

5/29/2024 JSJ
~~Vazquez-Doles~~

NEXT COURT DATE BEFORE JUDGE :

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

Oral Clarke, Romance Peak Union
Perez, Peter Rano, Ernest Tindis Dorothy
Flournoy
Plaintiff (s)

PRELIMINARY
CONFERENCE
STIPULATION

-against-

Town of Newburgh and Town
Board of the Town of Newburgh.

Index No.: EF 00 2460 -2024

Date RJI Filed:
April 16, 2024

Defendant (s)

PRESIDING: HON. MARIA S. VAZQUEZ-DOLES, J.S.C.

It is the policy of the Courts of the State of New York, as set forth in the State Chief Judge's Excellence Initiative, to encourage the resolution of disputes and the early settlement of pending litigation through various settlement procedures. Court ordered mediation is new to Orange County. Court personnel and local private mediators are limited in number. For this reason, the cases initially directed to mediation shall be of limited type.

Mediation shall be completed within 45 and 120 days of this Preliminary Conference for cases seeking less than \$50,000.00.

It is hereby STIPULATED by and between all parties to the within action that disclosure shall proceed and be completed as follows:

A. DISCOVERY SCHEDULE

1. Nature of Case:

- a. DCM track: Standard (12 Mos.) Complex (15 Mos.)
 Expedited (8 Mos.)

b. Plaintiff(s) Claims:

Vote dilution

c. Defendant(s) Claims and Defenses:

90-day State Harbor is pending

2. Insurance Coverage: If not already provided, _____ shall disclose in writing the existence and contents of any insurance agreement as described in CPLR §3101 (f) on or before _____.

The following information must be provided:

Name of Primary Carrier: _____

Amount of Coverage: _____

Name of Excess Carrier (s): _____

Amount of Coverage: _____

Self-Insured: ()Yes ()No

N/A Previously Provided

6. Depositions (Examination before Trial):

() Have been completed/waived.

a. Examination before trial shall take place within 45 days of Preliminary Conference and shall be conducted as follows (priority shall be in accordance with CPLR § 3106 unless otherwise agreed or ordered):

Plaintiff(s) shall appear for examination before trial at _____
on or before June 14, at _____ a.m./p.m. and shall produce all relevant books,
papers, records, and other material for use at the deposition, including _____

Defendant(s) shall appear for examination before trial at _____,
on or before June 14, at _____ a.m./p.m. and
shall produce all relevant books, papers, records, and other material for use at the
deposition, including _____

b. Attorneys seeking ruling on objections or making application for any other relief pertaining to the depositions shall communicate with the Part by telephone conference call for a determination and shall make no motion in the absence of a conference with the Court and a good faith effort to resolve the matter without unnecessary motion practice.

c. Once begun, a deposition shall continue until completed and shall not be adjourned without further order of the Court, unless all parties agree that the adjournment of such deposition does not delay or otherwise impede any party's ability to perform or enforce any of the terms of this Stipulation.

d. The transcript of an examination before trial shall be delivered to the party deposed within forty-five (45) days of the deposition, and shall be returned, duly executed thereafter pursuant to CPLR 3116(a).

e. Depositions of all non-party witnesses shall be completed on or before August 16, 2024

Said examinations shall continue from day to day until completed. The priority of examination shall be governed by previously served notices, if any.

7. Third Party Actions/Impleader:

Third party actions, if any, shall be commenced not later than thirty (30) days after the Examination before Trial or the date of this order, whichever is later.

8. Other Discovery:

a. _____ shall provide to _____, not later than

_____, the following items: _____

Opener's expert reports due June 28, 2024

Rebuttal expert reports due July 26, 2024

b. All parties, on or before N/A, shall exchange names and addresses of all witnesses, statements of opposing parties and photographs, or, if none, provide an affirmation to that effect.

c. All parties shall exchange information relating to expert witnesses in compliance with CPLR §3101 and the governing case law.

d. Demands for Discovery and Inspection (CPLR §3120 within 20 days) shall be served on or before June 14.

e. All responses to Discovery and Inspection demands shall be served no later than 45 days after receipt of the opposing party's demands.

f. Objections to disclosure, inspection or examination shall be made in conformity with the provisions of CPLR §3122.

B. END DATE FOR ALL DISCLOSURE: August 16, 2024.

THE FAILURE OF ANY PARTY TO PERFORM ANY OF THE REQUIREMENTS CONTAINED IN THIS STIPULATION SHALL NOT EXCUSE ANY OTHER PARTY FROM PERFORMING ANY OTHER REQUIREMENT CONTAINED HEREIN.

FAILURE TO COMPLY WITH THE TERMS OF THIS ORDER MAY RESULT IN SANCTIONS, WHICH MAY INCLUDE COSTS INCURRED BY THE OTHER PARTY, AND ANY OTHER SANCTION AUTHORIZED BY LAW, INCLUDING BUT NOT LIMITED TO CONTEMPT, DISMISSAL, STRIKING OF PLEADINGS.

NO ADJOURNMENTS OF ANY TIME DIRECTIVE ABOVE SHALL BE HAD WITHOUT THE PERMISSION OF THE COURT TO WHICH THIS CASE IS ASSIGNED.

THIS ORDER SUPERSEDES THE STATUTORY STAY IN CPLR 3214 FOR DISPOSITIVE MOTIONS MADE PURSUANT TO CPLR 3211, 3212, OR 3213. UNLESS OTHERWISE ORDERED BY THE COURT, ALL PRETRIAL DISCOVERY SHALL CONTINUE NOTWITHSTANDING THE FILING OF A DISPOSITIVE MOTION.

Pursuant to 22 NYCRR §202.28, the attorney for the defendant is directed to file a stipulation or statement of discontinuance with the Court within (a) 30 days of the making of the payment required as a condition of the discontinuance; or (b) 30 days of the discontinuance in the event no payment is required as a condition of the discontinuance.

Attorney(s) for the Plaintiff(s):
Name (printed): David Immur

Signature: [Handwritten Signature]

Mailing Address:
81 Main St. Suite 400
White Plains, NY 10601

Phone Number: _____

Facsimile Number: _____

Email Address: dimmur@gabardlaw.org

Attorney(s) for the Defendant(s):
Name (printed): BENNET Moskowitz

Signature: [Handwritten Signature]

Mailing Address:
275 3rd Ave NY, NY 10022

Phone Number: 212-704-6087

Facsimile Number: _____

Email Address: BENNET.MOSKOWITZ@TWEETMAN.COM

Attorney(s) for / or *Pro se* party:

Attorney(s) for / or *Pro se* party:

Name (printed): _____

Name(printed): _____

Signature: _____

Signature: _____

Mailing Address: _____

Mailing Address: _____

Phone Number: _____

Phone Number: _____

Facsimile Number: _____

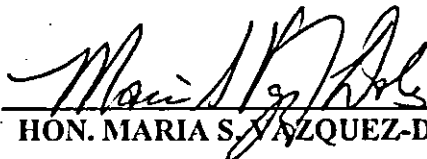
Facsimile: _____

Email Address: _____

Email Address: _____

Dated: 5/9/2024
Goshen, New York

SO ORDERED:



HON. MARIA S. VAZQUEZ-DOLES, J.S.C.