

CLIENT REPORT

Outcome: Conference - Held

Calendar No: 7

Opposing Counsel's Name: [REDACTED] L [REDACTED], Esq., of counsel

Next Appearance Date: 5/9/19

Next Appearance Time: 9:00 AM

IME Deposition Date: 4/30/19

The covering attorney appeared on behalf of the Plaintiff before Judge Bartlett.

The covering attorney spoke briefly with opposing counsel prior to the conference and she advised that she would be asking that the Judge require the deposition transcripts to be executed and returned and the execution of additional authorizations sent per the deposition. The covering attorney asked her what they intended to do with the third-party default and she did not know the answer.

The Judge asked how discovery was going. The covering attorney advised of the status of discovery and opposing counsel also advised of the status as well. Opposing counsel raised the issue of whether the Plaintiff was claiming lost wages, asking if it could be stated yes or no on the record now.

The covering attorney advised the Judge that the Bill of Particulars addressed that issue, such a request is unusual and he was not willing to waive any claim on the record unless specifically advised by your office; therefore, **the Judge instructed that the Plaintiff is to write a letter within 20 days to advise if the damages claimed will include a lost wages claim.**

The Judge instructed that Independent Medical Examinations needed to be completed by 4/30/19.

The Judge expects all discovery to be completed.

The next conference is scheduled for May 9, 2019, at 9:00 AM. Please mark your calendar accordingly and advise if you require coverage on 5/9/19.

Kindly advise if we should handle the above IME for your office.

CLIENT REPORT

Outcome: Conference - Adjourned

Calendar No: 3

Opposing Counsel's Name: [REDACTED] C [REDACTED], Esq.

Next Appearance Date: 2/5/19

Next Appearance Time: 9:30 AM

The covering attorney appeared on behalf of the Plaintiff.

After meeting with opposing counsel and relaying to him that your office needs new dates to depose the five doctors listed in the letter that was emailed to them, Mr. C refused to stipulate to any dates and indicated that those doctors were not in the original Court Order. He further stated that there were five doctors listed prior and that defense made them available for the Plaintiff and that the Plaintiff waived their appearances when the doctors were not deposed. Therefore, the Defendant would not produce any additional doctors.

The covering attorney argued that there was no Court Order indicating that the doctors listed on the previous Order were "it," that no Judge had ordered that the doctors previously listed be the exhaustive list of doctors and that it was not limited to just those doctors. Some of the previously listed doctors were not as relevant, and the Plaintiff had a good faith basis for believing that the new list of doctors had relevant information. Mr. C still refused.

Opposing counsel also indicated that the Defendant still needs some discovery. The covering attorney indicated to him that most of the discovery had been handed over to them, but the Plaintiff would not hand over the tax returns for his client and lien information. The covering attorney also indicated that the "Albany Hospital" records they were asking for were irrelevant because the Plaintiff had never gone there.

As the parties were unable to reach an agreement, they conferenced the case with the Law Clerk. She indicated that a Note of Issue was due on 12/11/18 and that the Plaintiff had to file a Motion/Order to Show Cause regarding why it has not been filed. There was no decision regarding the list of doctors because the Note of Issue was supposed to be filed and there were no further extensions for the Note of Issue because one had already been given. The Law Clerk then adjourned the case for a Pre-Trial Conference.

A Pre-Trial Conference is scheduled for February 5, 2019, at 9:30 AM. Please mark your calendar accordingly and advise if you require coverage on 2/5/19.

CLIENT REPORT

Outcome: Conference - Held

Opposing Counsel's Name: ■■■ K■■■■, Esq.

Next Appearance Date: - N/A

Next Appearance Time: - N/A

The covering attorney appeared on behalf of the Defendant before Referee Juliana Maugeri.

Mr. K reported that a modification had been offered for both mortgages. He confirmed that he received an email from your office late Friday, which requested that some interest and fees be waived. He immediately forwarded it to his client and expects a response soon. He also said it would take two to three weeks to prepare a formal written modification and believed that this would include a three month trial period.

The Court Referee assumed that the offer had expired, since it was based on an initial payment being received in December. However, Mr. K did not see anything in the papers he had with him that set a deadline on the offers acceptance. He was confident that he could get it renewed if it has expired.

Mr. K further said the offer would result in a monthly payment of \$1,675, and this number is included in the Status Form. However, the covering attorney spoke with him after the conference and pointed out that the figures that the appearing attorney had received would create a monthly payment of \$1,498. He agreed that this was correct; the \$1,675 was a number that the Defendant wanted as a maximum potential payment.

As a result, the Court Referee set a control date of 2/7/19; no appearances are required. Mr. K was directed to send a status letter to the Court by 2/6/19. If the modification is not accepted, the case will be released. If it has been accepted, another date will be set for the end of the trial period.

Please refer to the attached Foreclosure Settlement Conference Status Form for all pertinent information.