

At an IAS Term, Part PC of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, at Civic Center, Brooklyn, New York, on February 19, 2026.

**P R E S E N T:**

**Hon. BRIAN L. GOTLIEB** \_\_\_\_\_

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RICHARD C. LITMAN

Plaintiff(s),

Index No.: 524343/2025

- against -

JOSHUA B. GOLDBERG

Defendant(s).

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**CASE SCHEDULING ORDER (NON-CITY CASES)**

**Standard Track**

**Complex Track**

**IT IS HEREBY ORDERED** that Disclosure not already furnished shall proceed in accordance with the deadlines set forth below. The dates in this order may not be extended without advance approval of the court. Stipulations shall not be honored unless so-ordered by the court.

**1. Mandatory Notification:**

- a. All parties who listed an email address with the action at the NYSCEF site are deemed to have been served with this Order.
  - i. Plaintiff's attorney shall, within ten days of the date of this order, transmit a copy to any counsel and to any self-represented litigant not already on the e-file list and shall e-file proof of said transmissions within ten days thereafter.
- b. To the extent that a case is not e-filed, plaintiff's attorney shall, within ten days of the date of this order, transmit a copy to all parties and file proof of said transmission within ten days thereafter.

**2. Insurance Information:**

Pursuant to CPLR 3101(f), all parties shall exchange insurance and coverage information, including primary, excess and umbrella policies, by 3/19/2026. If there is no umbrella or excess policy an affidavit to that effect, signed by defendant(s) and notarized, shall be provided by the same date.

**3. Bill of Particulars:**

- a: In the Bill of Particulars, the parties shall clearly delineate all claims of damages, including, but not limited to, loss of earnings/profit, medical expenses and physical injuries/limitations.
- b: If not already served, demand(s) shall be served by 3/5/2026  
Bill(s) shall be served by 4/2/2026.
- c: Defendants, to the extent applicable, to provide a verified bill of particulars as to affirmative defenses within 60 days of the date of this order.

4. **Authorizations:** Unless otherwise specified, all authorizations described below shall be served by 3/19/2026. Defendants shall process each authorization within 30 days of receipt and shall follow up at least monthly until the records are received. If plaintiff timely provides proper authorizations then non-receipt of materials shall not be grounds for delaying plaintiff's deposition unless proof of timely processing, or proof of rejection by the provider, and follow-up is submitted to the plaintiff and/or court.

- a: Properly executed OCA Form 960 - HIPAA compliant authorizations shall be furnished for medical records, for this accident, from the date of this accident, including all subsequent and continuing treatment for the injuries alleged;
- b: If “exacerbation of a prior injury” is alleged, properly executed OCA Form 960 - HIPAA compliant authorizations shall be furnished for medical records from all providers who treated the prior injury that is alleged to have been exacerbated as a result of this accident;
- c: If a “loss of enjoyment of life” claim is alleged, properly executed OCA Form 960 - HIPAA compliant authorizations for medical records from all treating providers shall be furnished for five (5) years prior to the date of this accident;
- d. If a lost earnings claim is being made, properly executed authorizations for employment attendance records and IRS records if plaintiff is self-employed (or W-2s if plaintiff is an employee of another) shall be furnished for one year prior to this accident, the year the accident occurred and for one year after this accident. If the plaintiff’s salary fluctuates, then the time frame shall be extended for two years prior to this accident, the year this accident occurred and for two years after this accident;
- e: If no lost earnings claim is being made, then only properly executed authorizations for employment attendance records shall be furnished for one year prior to this accident, the year the accident occurred and for one year after this accident.
- f: Plaintiff(s) shall provide authorizations for collateral source information (including but not limited to, workers compensation, social security disability, social security supplemental income, Medicaid, Medicare), if any.
- g: If plaintiff was a student at the time of the alleged accident, plaintiff shall provide authorizations for school attendance records for one year prior to this accident, the year the accident occurred and for one year after this accident.

5. **Witness and Other Information:** All parties shall exchange statements of opposing parties, photographs, accident reports prepared in the ordinary course of the preparer's business, video recordings, surveillance films and the names and addresses of all fact witnesses, to the extent these are known and in the possession of any party, by 3/19/2026. If the existence of any of these items is unknown, or does not exist, then the parties shall serve by that date an affirmation clearly so specifying. This is a continuing obligation on all parties.
6. **Depositions:**  
If plaintiff timely complies with section "4", (Authorizations), then all depositions of the parties must be completed on or before 6/2/2026. Unless the parties have served proper notices of depositions prior to the date of this order, plaintiff shall be deposed first and defendants shall be deposed in the order in which their names appear in the caption. Within 20 days from this Order, the parties shall confer and agree upon a detailed schedule in compliance with this deadline. Absent extraordinary circumstances, the failure of one defendant to appear as scheduled shall not constitute an excuse for the refusal of others to submit to deposition as scheduled and within the deadline fixed above. Any party may apply for a swearability hearing where the swearability of a deponent is in question.
7. **Other Demands:**  
a: Demands for "Discovery and Inspection," if not already served, shall be served within thirty (30) days of this order and shall be responded to within thirty (30) days thereafter;  
b: Post EBT demands shall be served no later than 30 days after completion of depositions and shall be responded to within 30 days from service.
8. **Physical Examinations and Reports (Uniform Rule 202.17):**  
In Personal Injury actions, physical examination(s) of the plaintiff shall be designated, with a copy to all parties, within 20 days of plaintiff's deposition and shall be completed within 45 days of plaintiff's deposition. At least 20 days before the date of such examination the plaintiff shall provide copies, to all other parties, of the medical records of providers who previously treated or examined plaintiff with respect to the injuries alleged. A copy of the report of the examining physician shall be served on all parties within 30 days of said examination.

**9. Other Disclosure:**

All parties shall supply expert witness disclosure pursuant to the CPLR. All other disclosure shall be completed by the date of the Compliance Conference.

**10. Impleader:**

Impleader actions shall be completed within 45 days after completion of all court-ordered depositions.

**11. Compliance Conference:**

a: A mandatory consent compliance conference order must be uploaded to NYSCEF, by the parties, before 3:00 p.m., two (2) days before 9/22/2026. If an order is not uploaded, the parties must appear for an in-person compliance conference before Judge Gotlieb (CCP Room No. 282, 9:30 a.m.) on the above date. Failure to upload a consent order, or appear at the conference will result in the matter being marked "Administratively Dismissed" on default. Please see the Part Rules for further information.

**12. Note of Issue:**

A Note of Issue shall be filed on or before 2/5/2027.

**13. Summary Judgment Motions:**

Summary judgment motions shall be made no later than 60 days after filing of the Note of Issue. This time limit may only be extended by motion upon "good cause shown." Summary Judgment motions made before filing the Note of Issue do not stay discovery ordered herein.

**14. Trial Authorizations:**

Properly executed HIPAA compliant authorizations shall be served on all defendants within 60 days after filing the note of issue. All such authorizations shall be valid through the end of trial.

**15. Resolution of Disputes:**

If disputes arise about compliance with this Order, the parties shall confer to try to resolve them. Absent good cause shown, non-compliance with this order, including the failure to raise discovery problems in advance of deadlines, may result in the imposition of penalties upon the offending party and, where warranted, upon counsel. Such penalties may include waiver of the discovery, preclusion, dismissal, striking of a pleading, costs, sanctions and attorneys

fees. Nothing in this paragraph relieves counsel of the obligation of demonstrating sufficient good faith efforts to resolve their discovery disputes without resort to court intervention via motion (see 22 NYCRR 202.7[a][2]).

**16. Stipulations of Discontinuance:**

Plaintiff(s) shall ensure that a stipulation of discontinuance shall be promptly filed if the case settles before the next meeting with the court.

**ALL PARTIES ARE REQUIRED TO REVIEW ALL OUTSTANDING DISCOVERY DEMANDS SERVED UPON ANOTHER PARTY PRIOR TO THE DATE OF THIS ORDER. IT IS THE INTENT OF THIS PRELIMINARY CONFERENCE ORDER TO RULE UPON ALL OF THESE OPEN DISCOVERY DEMANDS. PURSUANT TO UNIFORM RULES SECTION 202.12 (C) & (D), THIS ORDER REPRESENTS THE COURT'S RULING UPON ANY OUTSTANDING DISCOVERY DEMANDS PREVIOUSLY SERVED UPON A PARTY OTHER THAN THOSE ITEMS SPECIFICALLY EXCEPTED. THIS ORDER DOES NOT PRECLUDE ANY PARTY FROM SERVING POST-CONFERENCE DISCOVERY DEMANDS OR MAKING ANY MOTION PURSUANT TO THE CPLR.**

E N T E R



HON. BRIAN L. GOTLIEB