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MEMORANDUM

To: All Counsel in the NYCAL
From: Laraine Pacheco, Special Master
Date: 12/29/08
Re: Procedures and Deadlines

Judge Heitler has been observing and evaluating numerous NYCAL procedures and she has asked me to convey the following to you:

Motions

All summary judgment motions are to be made before Judge Heitler.

Summary judgment motions should be made as soon as practicable after discovery is complete and defendant's request for an NOSJM has been denied. Failure to do so may result in your motion not being heard before trial.

No motion may be adjourned more than twice and for no longer than three weeks for each adjournment. Any further adjournment requires permission of the Court.

NOSJMs

Defendants may submit fully executed NOSJMs to Judge Heitler to be So Ordered. Please HAND DELIVER the NOSJMs to Tom Schiel on Wednesdays only and within 30 days of execution.

Settlement Practices

Settlement conference notices contain a directive requiring defense counsel to call plaintiff's counsel in advance of the conference to discuss the cases, discovery issues, demands and any problems with the case.

Discovery

All parties are expected to comply fully with basic NYCAL discovery in a timely fashion. To the extent any party is owed discovery and does not receive it, that party must contact me so that I can resolve the issue. I will not hesitate to refer persistent offenders to Judge Heitler

Other Issues

Remaining Defendant Lists

No later than December 31, please email me an updated and accurate remaining defendants list for all cases assigned to judges in the memo dated December 16.

May 2009 Cluster

A revised cluster list has been posted. Medical objections must be resolved by January 15. Liaison counsel are to advise me as objections are withdrawn.

May 2009 Service Lists

Plaintiff are to MAIL these lists to me no later than December 31.

Demands/Offers

Demands for the May 2009 Cluster are to be communicated no later than February 28.

Offers/responses must be communicated no later than March 16.

Invoice Issues

For those of you who still have outstanding invoices I would appreciate it if you would remit payment no later than December 31. Some of these invoices are 11 months past due.

Next Round of Conferences

I plan to be back in New York the week of February 22 for another round of conferences on the cases that have been sent out for trial. I urge everyone to follow up on discovery issues, adhere to deadlines and communicate with one another in the interim. I am available 24/7 to assist you.

Note: I will be in Hawaii from January 3 – 19. During that time, please hold off on anything that can wait until my return. For pressing issues, do not hesitate to email or call but keep in mind that there will be a 5-hour time difference so try not to call before 11 am NY time.