

Sadick v North Shore Houses Preserv. Inc.
2020 NY Slip Op 32413(U)
July 24, 2020
Supreme Court, New York County
Docket Number: 154503/2018
Judge: James E. d'Auguste
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**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. JAMES EDWARD D'AUGUSTE PART IAS MOTION 55EFM

Justice

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INDEX NO. 154503/2018

BIBI SADICK,

MOTION SEQ. NO. 002

Plaintiff,

- v -

NORTH SHORE HOUSES PRESERVATION, INC., NORTH SHORE PRESERVATION DP, L.P., NORTH SHORE PRESERVATION MANAGEMENT, LLC., PRESERVATION DEVELOPMENT HOLDINGS, LLC.

**DECISION + ORDER
ON MOTION**

Defendant.

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This matter having been opened to the Court upon application by Sameer Chopra, Esq of Chopra & Nocerino, LLP, attorney for Plaintiff, Bibi Sadick, in the above-referenced matter, and the Court having considered the motion papers and the opposition thereto, and the matter having been heard by the Court in the presence of the attorneys for the respective parties on June 26, 2020;

IT IS on this 24th day of July 2020

ORDERED, that Plaintiff's Motion to Strike Defendants' Answer is denied, and it is further

ORDERED, that Plaintiff's deadline to file the Note of Issue is extended until March 12, 2021, and it is further

ORDERED, that Defendants must provide the following items within forty-five (45) days of this Order:

- 1. Certificates of Insurance or other documents reflecting the amount and scope of coverage for any and all excess insurance applicable to the

premises located at 85 Holland Avenue, Staten Island New York (the “premises”) on the date of the accident (April 17, 2018).

2. Any and all work orders and repairs records pertaining to any leak or water conditions in staircase B on the date of and for a period of six (6) months preceding Plaintiff’s accident;
3. Any and all inspections records for staircase B on the date of and for a period of six (6) months preceding Plaintiff’s accident;
4. Any and all cleaning and maintenance records for staircase B on the date of and for a period of six (6) months preceding Plaintiff’s accident;
5. Work schedules of all janitorial, maintenance and cleaning staff, whether employees or contractors, as well as documents reflecting location and job assignments, for April 2018, with redaction of any salary information, social security numbers, or dates of birth, if applicable;
6. Any and all requests, including by email, for cleaning or janitorial services for staircase B submitted on the date of and for a period of three (3) months preceding the accident.
7. Documents that indicate, collectively or individually, the names of any and all companies or contractors that performed any work related to plumbing, water, leaks, and/or structural issues/damage and/or roofing in the building in which the accident allegedly took place on the date of and for a period of two (2) months preceding the accident.
8. Any and all cleaning and/or maintenance schedules, or other documents reflecting such schedules (memos, emails), applicable during the week of

- April 15-21, 2018 that relates to, or otherwise includes, the cleaning and/or maintenance of staircase B.
9. All Building Code violations and summonses, including any and all DOB or HPD complaints, pertaining to any plumbing, water, leaks, roofing or structural issues/damage in the building where the accident occurred for a period of ninety (90) days preceding Plaintiff's accident;
 10. Any and all accident/incident reports, other than reports subject to privilege that shall be indicated on a privilege log, related to the subject accident generated on or after April 17, 2018, whether prepared by defendants or a third party;
 11. Any and all documents, other than documents subject to privilege, which indicate, collectively or individually, the name(s) of any and all person(s), other than plaintiff, who have been injured, or claim to have been injured, as a result of a slippery or wet condition within staircase B at any time during the one year prior to the date of the accident.
 12. An affidavit in accordance with *Jackson v. City of New York*, 185 A.D.2d 768, 586 N.Y.S.2d 952 (1st Dep't 1992), from each defendant that contends that such defendant is not in possession of any of the above-enumerated items;
 13. Any and all video recordings depicting any part of staircase B, regardless of floor, from 12:00 a.m. on April 16, 2018 through 11:59 p.m. on April 17, 2018;
 14. To the extent no video recordings as described above exist, each defendant with custody and control over such recordings shall provide an affidavit(s)

from someone with personal knowledge describing the means and methods used to conduct the search for such recordings, whether such recording never existed or did exist but was subsequently destroyed or deleted (if known), the reasons such recordings no longer exist (if known), the date of such recording was deleted or destroyed (to the extent it existed), and the procedures and practices related to maintaining video recordings taken by the cameras located within staircase B, if any, including an explanation of the method and duration in which recordings are recorded, stored and destroyed/deleted; and it is further

ORDERED, that depositions of the parties must be completed by November 13, 2020; and it is further

ORDERED, that Defendants must designate independent medical examination(s) within thirty (30) days of completion of Plaintiff's deposition, and the examination(s) must take place within forty-five (45) days of the designation, subject to availability of health care professionals due to COVID-19 pandemic; and it is further

ORDERED, that the Court will hold the next status conference on October 7, 2020 at 10:30a.m.

Plaintiff's motion is otherwise denied. This is the decision and order of the Court.



7/24/2020
DATE

CHECK ONE:

CASE DISPOSED
 GRANTED DENIED

NON-FINAL DISPOSITION
 GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE