

SCAW

**SHORT FORM ORDER**

**SUPREME COURT - STATE OF NEW YORK**

**Present: HON. JOHN P. DUNNE, Justice**

TRIAL/IAS, PART 12

**DAISY GALARZA, as Administratrix of the  
Estate of YANCY CAMPBELL, deceased and  
DAISY GALARZA, individually**

Plaintiff(s),

Index No. 5409/00

Motion Seq. No. 2

Motion Submission: 6/19/03

-against-

**PATRICIA K. BARNETT and  
MICHAEL N. BARNETT**

Defendant(s)

The following papers read on this motion:

- Notice of Motion ..... X
- Answering Affidavits.....
- Replying Affidavits.....

Upon the foregoing papers, it is hereby ordered that Plaintiff's motion to restore the case to the trial calendar is decided as follows:

The instant action is to recover for personal injuries arising out of an automobile accident which occurred on November 23, 1999, when a vehicle operated by Plaintiff, Yancy Campbell, deceased, was struck by a vehicle driven by Defendant, Patricia Barnett and owned

by Michael Barnett.

By order of the Court, Plaintiff was **granted** leave to file an Amended Complaint to include a cause of action for wrongful death. (Plaintiff died on March 16, 2001). Verified Answer was interposed on or about May 22, 2002.

On September 25, 2002, attorneys' for all parties appeared before Justice Roberto in the Calendar Control Part for Conference. At that time, Justice Roberto marked the case off the trial calendar pursuant to CPLR 3404, in order to complete discovery.

Plaintiff argues the additional discovery is complete and requests that the case be restored to the trial calendar.

Defendant, in opposition, states that discovery is not complete at this time and that a Notice of Discovery and Inspection dated May 14, 2003, is still outstanding. Included in that demand is a request for authorizations (additional).

In reply, Plaintiff attaches copies of letters in response to the Defendants' Demand for Discovery and Inspection.

**However, some outstanding items still remain.**

Therefore, the case is restored to the DCM Trial Calendar for **September 30, 2003, at 9:30 A.M.**, on condition that Plaintiff provide proof to the Court that the following items are provided anew to Defendant:

1. IRS authorizations for the year 2000 for Yancy Campbell.
2. IRS authorizations for Daisy Galarza for the years 2000 and 1999.
3. The necessary authorizations from Daisy Galarza, with Affidavit of relationship for the Florida hospital, and the Florida Medical Examiner's office.
4. Any additional new authorizations to replace any authorizations which are rejected in writing due to HIPPA requirements.
5. Social Security, SS Disability Benefit Authorizations for Florida, in proper form.

Proof of said compliance is to be provided to the Court, in writing, on or before **August 4, 2003**.

Defendant is directed to notify the Court, in writing, of any difficulty in processing said authorizations on or before **August 30, 2003**.

It is, so Ordered.

Dated: 7-18-03

  
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Hon. John P. Dunne  
**ENTERED**

JUL 23 2003