

STATE OF NEW YORK
SUPREME COURT

COUNTY OF ALBANY

**IN RE SCHOHARIE LIMOUSINE
CRASH OF OCTOBER 6, 2018**

**CASE MANAGEMENT
ORDER**

May 31, 2023

Index No. 904159-20

HON. DENISE A. HARTMAN, AJSC

Thank you all for your participation in our case management conference on May 30, 2023.

Counsel advised that some of the plaintiffs and the Mavis defendants have agreed in principle to settlement; that several other plaintiffs are engaged in mediations and/or serious settlement negotiations with the Mavis defendants; and that several other plaintiffs believe that settlement of their cases is unlikely at this time.

Accordingly, with the following exceptions, we will pause discovery until our next case management conference on July 27, 2023, to allow potential settlements to be consummated.

In the meantime, we will proceed as follows:

Discovery Demands and Responses

General Directive: Counsel are reminded to make sure their discovery responses are available to all counsel, including the State's attorneys.

Outstanding Discovery Responses: Counsel advised that there may be some deficiencies and/or disputes regarding outstanding discovery responses. To the extent that discovery issues remain in dispute, the Court will address such issues at our next case management conference, without prejudice to any party due to the stay of the discovery schedule pursuant to this order.

IN RE SCHOHARIE LIMOUSINE CRASH
OF OCTOBER 6, 2018
PAGE 2
MAY 31, 2023

Outstanding Depositions: Counsel advised that one estate representative has yet to be deposed. That deposition, which has been scheduled, shall go forward. The schedule for completing defendants' depositions is stayed until after our next case management conference.

Court Approval for Settlements

Settlement Approval: As a result of our discussion at the case management conference and upon the Court's own further research and consideration, the Court directs each settling plaintiff to apply to this Court, pursuant to EPTL § 5-4.6, for approval of the adequacy of the overall amount of settlement, as well as attorneys' fees and other payable expenses. The Court will address each application promptly so that matter can be transferred to Surrogate's Court in the county of commencement to address allocation, distribution, and all other issues.

Hussain Defendants' Request for Notice of Settlements: Counsel for the Hussain defendants asked counsel for plaintiff and settling defendants to notify him promptly of any settlement, citing General Obligations Law § 15-108. Any application to this Court for settlement approval shall be on notice to counsel for all defendants and shall be subject to the stipulated confidentiality provisions so-ordered by this Court.

Miscellaneous

Motion Number 14: The issues having been resolved, the Mavis defendants' motion for a court-ordered subpoena is deemed withdrawn.

The Global Liberty Insurance Company Payment: The Court will permit plaintiffs to request an order from this Court to distribute the monies from Global Liberty Insurance Company which are being held by the Albany County Clerk, depending on the status of settlement discussions, after our next case management conference.

IN RE SCHOHARIE LIMOUSINE CRASH
OF OCTOBER 6, 2018
PAGE 3
MAY 31, 2023

Next Conference Date

Our next case management conference will be held on **July 27, 2023, at 11:00 a.m.**, by Microsoft Teams.

Reminder

Please identify all NYSCEF filings by nature of document and case name(s) where the filing pertains to one case or a limited number of cases. Also, please remember to identify the motion number if the filing pertains to a particular motion.

DATED: Albany, New York
May 31, 2023

SO ORDERED!



Hon. Denise A. Hartman
Acting Supreme Court Justice



05/31/2023