

Federal Court Confidence: Successfully Litigating Personal Injury Cases

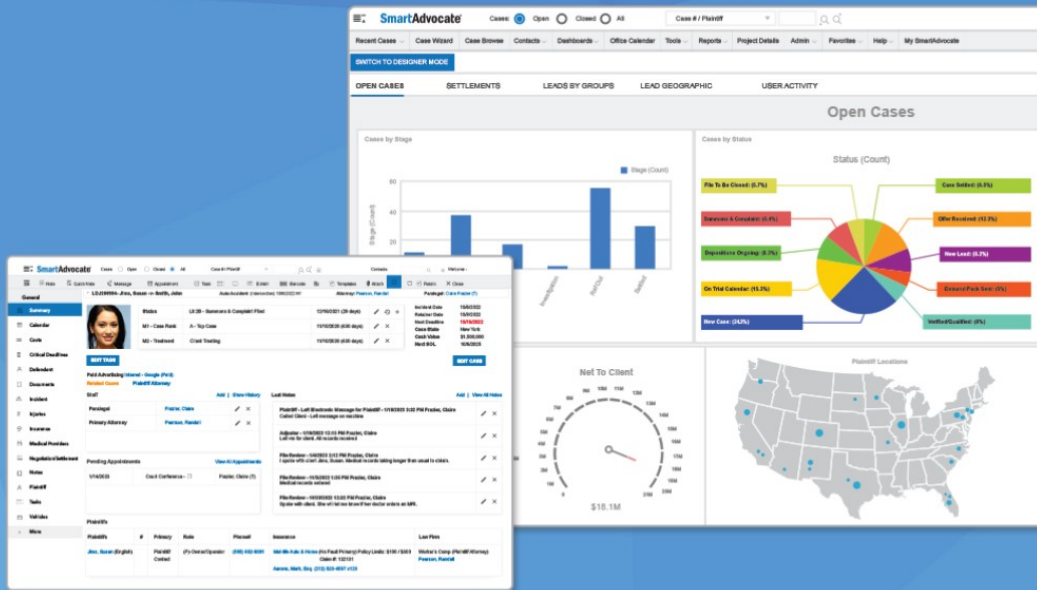
Part I: Overview of the Federal Court Process

Materials By:
Andrew Smiley

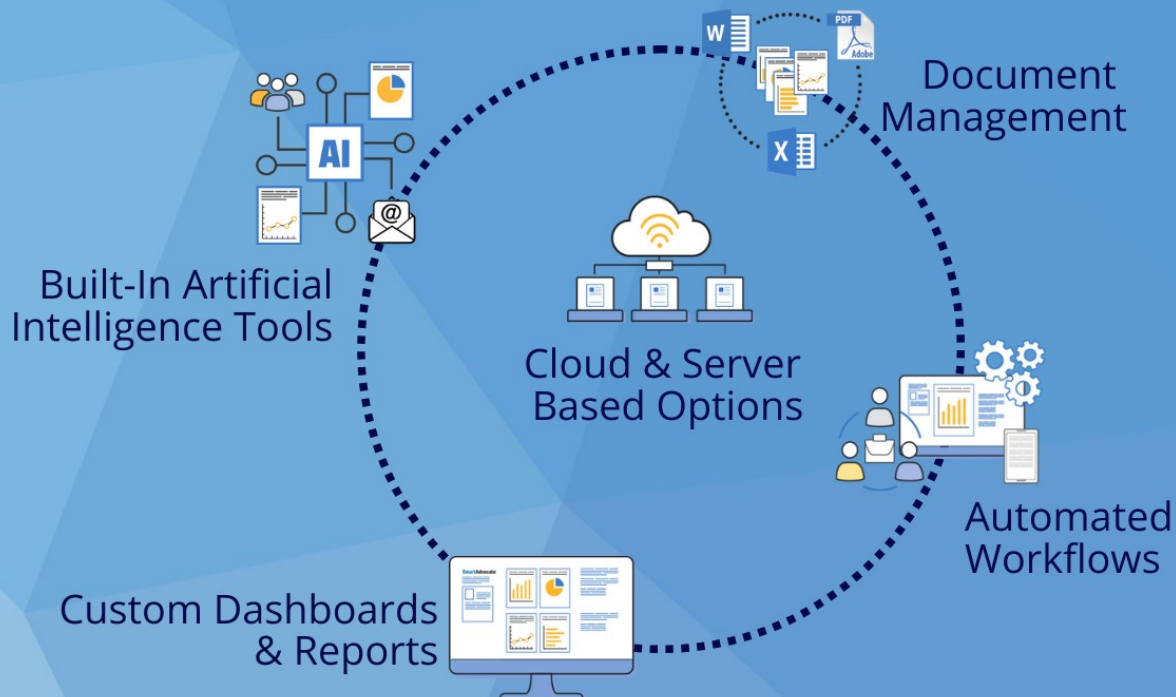
—New York State—
ACADEMY
OF TRIAL LAWYERS

LIVE STREAMED
APRIL 3, 2025
1PM VIA ZOOM

SmartAdvocate®



Our All-in-One Case Management Software is Loaded with Features, AI Capabilities & Reporting Other Systems Don't Have.



Join Some of the Top Law Firms Using SmartAdvocate to Make Their Firms More Efficient and More Profitable.





JOIN THE ACADEMY FOR FREE CLE

**Academy members now get FREE access to
all live AND on-demand CLE courses!**

- ▶ The Academy presents CLE webinars providing CLE credits in all categories, including Diversity, Inclusion and Elimination of Bias.
- ▶ All of our courses are video recorded and made available to view on-demand on our website.

Interested in joining? Contact us for more information



518-364-4044



info@trialacademy.org





THE PATH TO TRIAL SUCCESS

All Proceeds Are Donated to Support Our Shared Causes



available at
amazon

**"Game-changing trial strategies – clear,
practical, and straight from a top litigator."
– LN Fox | Amazon Review**



Andrew J. Smiley, Esq.
Smiley & Smiley, LLP
28 Liberty Street, NYC 10005
212.986.2022
asmiley@smileylaw.com
www.smileylaw.com
www.thementoresq.com

CURRICULUM VITAE

Education:

· Brooklyn Law School - Juris Doctorate 1996

Moot Court Honor Society - Vice President/Executive Board (Chair of Trial Division)
Moot Court Honor Society - Competitor - National Appellate Trademark Competition
Moot Court Honor Society – Coach, National Trial Team – Regional Champions
CALI Excellence For The Future Award - Advanced Legal Research
Judge Edward and Doris A. Thompson Award for Excellence in Trial Advocacy

· Tulane University, New Orleans, LA - Bachelor of Arts (Honors, Psychology) 1993

Professional:

· *Smiley & Smiley, LLP*

Managing Partner & Senior Trial Attorney, January 2001 - present

Associate, June 1996 - December 2000

Law Clerk, September 1993 - June 1996

Major verdicts and settlements in plaintiffs' personal injury, medical malpractice and wrongful death litigation

Andrew J. Smiley, Esq. Curriculum Vitae, Page 2

· *Adjunct Clinical Instructor of Law - Brooklyn Law School, Trial Advocacy Program (1998-2004)*

· *The Mentor Esq. Podcast – A Podcast for Lawyers*

- Founder & Host (2019 – Present)

· *New York “Super Lawyer”*

2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024

Bar Admissions:

- The United States Supreme Court
- New York State Courts
- United States Eastern District, Southern District & Northern District of New York
- United States District Court of Vermont

Organizations/Affiliations:

· New York State Academy of Trial Lawyers

- Immediate Past President (May 2018- May 2019)
- President (May 2017 – May 2018)
- President-Elect – (April 2016- May 2017)
- Vice President – 1st Dept. (July 2013-May 2016)
- Executive Committee (May 2019 – present)
- Board of Directors (2013- present)
- Judicial Screening Committee (2013- present)
- Master CLE Instructor (2020 – present)
- CLE Instructor (2013 – present)

· New York City Trial Lawyers Alliance

- Chairman of Board of Governors (July 2017 – July 2019)
- President (July 2015 – July 2017)
- Vice President (June 2013 – July 2015)
- Treasurer (June 2011 – June 2013)
- Secretary (June 2009- June 2011)
- Board of Directors (2000-present)

- Judicial Screening Committee, Kings County Democratic Party (2013)
- New York State Bar Association
- Brooklyn Bar Association
 - Medical Malpractice Committee
 - Supreme Courts Committee
- American Bar Association
- The American Association for Justice

Andrew J. Smiley, Esq. Curriculum Vitae, Page 3

- Brooklyn Law School Alumni Association
- National Order of Barristers
- Lime Rock Drivers Club
- Porsche Club of America (Connecticut Valley Region)
- Porsche Sim Racing League
- Sports Car Driving Association (SCDA)
- Just Hands Racing Foundation – Board of Directors & Legal Counsel

Authored Books

Smiley, Andrew J. *How to Successfully Litigate a Personal Injury Case – A Practical Guide*, 2022, The Mentor Esq. Handbook Series – Amazon Best Seller in Personal Injury Law

Smiley, Andrew J. *Successful Trial Skills – A Practical Guide to Jury Selection, Opening Statements, Direct & Cross Examinations and Closing Arguments*, 2024, The Mentor Esq. Handbook Series – Amazon #1 New Release in Trial Practice

Continuing Legal Education (CLE) Presentations:

(75) *Introducing Evidence and Impeaching Witnesses*, Office of The New York State Attorney General – Legal Education and Professional Development, September 26, 2024

(74) *Walking the Line: Settlement Negotiation Skills & Ethics*, New York State Academy of Trial Lawyers, July 9, 2024

(73) *Novel Negligence Cases – Part 2: How to Successfully Litigate Dram Shop Cases*, New York State Academy of Trial Lawyers, June 5, 2024

(72) *Working with Experts*, Office of The New York State Attorney General – Legal Education and Professional Development, April 2, 2024

(71) *Novel Negligence Cases – Part 3: How to Successfully Litigate Ski Accident Cases*, New York State Academy of Trial Lawyers, March 6, 2024

(70) *Novel Negligence Cases – Part 1: How to Successfully Litigate Personal Trainer and Gym Negligence Cases*, New York State Academy of Trial Lawyers, January 3, 2024

(69) *Litigation Back to Basics – Part 3: Introducing Evidence and Impeaching Witnesses*, New York State Academy of Trial Lawyers, December 6, 2023

(68) *Litigation Back to Basics – Part 2: Working With Experts*, New York State Academy of Trial Lawyers, November 1, 2023

(67) *Construction Site Injury Litigation: Pursuing or Defending Claims Against Site Owners, Contractors, and Other Third Parties*, Strafford CLE/BarBri, October 17, 2023

Andrew J. Smiley, Esq. Curriculum Vitae, Page 4

(66) *Litigation Back to Basics – Part 1: Preparing and Conducting Depositions*, New York State Academy of Trial Lawyers, October 4, 2023

(65) *Depositions*, Office of The New York State Attorney General – Legal Education and Professional Development, September 28, 2023

(64) *How to Litigate a Medical Malpractice Case – Part 6: The Trial*, New York State Academy of Trial Lawyers, June 7, 2023

(63) *How to Litigate a Medical Malpractice Case – Part 5: Pre-Trial Preparation*, New York State Academy of Trial Lawyers, May 3, 2023

(62) *How to Litigate a Medical Malpractice Case – Part 4: Discovery & Depositions*, New York State Academy of Trial Lawyers, April 4, 2023

(61) *How to Litigate a Medical Malpractice Case – Part 3: Commencing the Action*, New York State Academy of Trial Lawyers, February 28, 2023

(60) *How to Litigate a Medical Malpractice Case – Part 2: Expert Selection*, New York State Academy of Trial Lawyers, February 1, 2023

(59) *How to Litigate a Medical Malpractice Case – Part 1: The Initial Screening*, New York State Academy of Trial Lawyers, January 4, 2023

(58) *How to Litigate a Construction Accident Case – Part 4: Motion Practice*, New York State Academy of Trial Lawyers, December 7, 2022

(57) *Preparing for Depositions: Best Practices for Asking and Answering Questions*, Office of The New York State Attorney General, 2022 Legislature Program, December 6, 2022

(56) *How to Litigate a Construction Accident Case – Part 3: Depositions*, New York State Academy of Trial Lawyers, November 2, 2022

(55) *How to Litigate a Construction Accident Case – Part 2: Commencing The Action*, New York State Academy of Trial Lawyers, October 3, 2022

(54) *Trial Series: Part 2 - Opening Statement Webinar*, Queens County Bar Association, September 22, 2022

(53) *How to Litigate a Construction Accident Case – Part 1: An Overview of New York Labor Law*, New York State Academy of Trial Lawyers, September 7, 2022

(52) *How to Litigate a Catastrophic Automobile Accident Case – Part 6: The Trial*, New York State Academy of Trial Lawyers, July 6, 2022

(51) *How to Litigate a Catastrophic Automobile Accident Case – Part 5: Mediation and Settlement*, New York State Academy of Trial Lawyers, June 2, 2022

(50) *How to Litigate a Catastrophic Automobile Accident Case – Part 4: Expert Depositions*, New York State Academy of Trial Lawyers, May 4, 2022

Andrew J. Smiley, Esq. Curriculum Vitae, Page 5

Continuing Legal Education (CLE) Presentations Continued:

(49) *How to Litigate a Catastrophic Automobile Accident Case – Part 3: Liability and Damages Experts*, New York State Academy of Trial Lawyers, April 6, 2022

(48) *How to Litigate a Catastrophic Automobile Accident Case – Part 2: Commencing the Action*, New York State Academy of Trial Lawyers, March 2, 2022

(47) *How to Litigate a Catastrophic Automobile Accident Case – Part 1: The Investigation*, New York State Academy of Trial Lawyers, February 4, 2022

(46) *Anatomy of a Trial, a Trial Skills Series – Part 5: Summations*, New York State Academy of Trial Lawyers, January 5, 2022

(45) *Anatomy of a Trial, a Trial Skills Series – Part 4: Cross-Examination*, New York State Academy of Trial Lawyers, December 1, 2021

(44) *Anatomy of a Trial, a Trial Skills Series – Part 3: Direct Examination*, New York State Academy of Trial Lawyers, November 3, 2021

(43) *Anatomy of a Trial, a Trial Skills Series – Part 2: Opening Statements*, New York State Academy of Trial Lawyers, October 6, 2021

(42) *Anatomy of a Trial, a Trial Skills Series – Part 1: Jury Selection*, New York State Academy of Trial Lawyers, September 10, 2021

(41) *How to Successfully Litigate a Personal Injury Case Series - Part 7: It's a Wrap!*, New York State Academy of Trial Lawyers, July 7, 2021

(40) *How to Successfully Litigate a Personal Injury Case Series - Part 6: The Trial*, New York State Academy of Trial Lawyers, June 2, 2021

(39) *How to Successfully Litigate a Personal Injury Case Series - Part 5: Pre-Trial Disclosures and Gearing up for Trial*, New York State Academy of Trial Lawyers, May 5, 2021

(38) *How to Successfully Litigate a Personal Injury Case Series - Part 4: Depositions*, New York State Academy of Trial Lawyers, April 7, 2021

(37) *How to Successfully Litigate a Personal Injury Case Series - Part 3: Your Adversary, the Preliminary Conference and Initial Discovery*, New York State Academy of Trial Lawyers, March 3, 2021

(36) *How to Successfully Litigate a Personal Injury Case Series - Part 2: Early Settlement, Jurisdiction, Venue & Commencing The Lawsuit*, New York State Academy of Trial Lawyers, February 3, 2021

(35) *How to Successfully Litigate a Personal Injury Case Series - Part 1: Getting the Case, Investigation and Ready to File*, New York State Academy of Trial Lawyers, January 6, 2021

Andrew J. Smiley, Esq. Curriculum Vitae, Page 6

Continuing Legal Education (CLE) Presentations Continued:

(34) *Brick by Brick: Building a Personal Injury Practice*, New York State Academy of Trial Lawyers, December 10, 2020

(33) *Working with Experts to Build Your Case*, New York State Academy of Trial Lawyers, October 8, 2020

(32) *Fitness Industry Liability: Gyms, Trainers and Waivers*, The Mentor Esq. Podcast, September 8, 2020

(31) *Let's Make a Federal Case Out of It: Litigating Personal Injury Cases in Federal Court*, New York State Academy of Trial Lawyers, June 9, 2020

(30) *Crisis Management - The Corona Virus Pandemic*, The Mentor Esq. Podcast, April 9, 2020

(29) *Do You Have a Federal Tort Claims Act Case in Your Office*, New York State Academy of Trial Lawyers, December 10, 2019

(28) *Auto and Truck Claims, Accidents and Litigation 2019 – Evaluating Damages and Use of Experts*, New York State Bar Association, September 9, 2019

(27) *Thoughts and Strategies in the Ever-Evolving Product Liability Litigation – The Plaintiff's Perspective*, The Defense Association of New York, March 12, 2019

(26) *Trial Techniques: Lessons on Dealing with Millennial Jurors; Summations; Requests to Charge and Post-Trial Motions*, The Defense Association of New York, January 31, 2019

(25) *Trial Techniques: Interactive Lessons from the Plaintiff and Defense Perspectives*, The Defense Association of New York, September 17, 2018

(24) *Punitive Damages – What to Plead, What to Prove: Medical Malpractice*, New York State Academy of Trial Lawyers, June 8, 2017 & June 21, 2017

(23) *Presenter on Evidence, 2016 Annual Update, Precedents & Statutes for Personal Injury Litigators*, New York State Academy of Trial Lawyers, September 30, 2016

(22) *Medical Malpractice in New York: A View from All Sides: The Bench, The Bar and OCA*, New York State Bar Association, October 11, 2015

(21) *Effectively Using Experts in Personal Injury Cases*, Lawline, October 8, 2015

(20) *Killer Cross Examination Strategies*, Clear Law Institute, April 21, 2015

(19) *Powerful Opening Statements*, Clear Law Institute, January 13, 2015

(18) *The Dram Shop Law: New York Liquor Liability*, Lawline.com, November 20, 2014

Andrew J. Smiley, Esq. Curriculum Vitae, Page 7

Continuing Legal Education (CLE) Presentations Continued:

- (17) *Killer Cross Examination Strategies*, Lawline.com, November 20, 2014
- (16) *Trial Techniques: Tricks of the Trade Update*, Lawline.com, October 14, 2014
- (15) *Personal Trainer Negligence Update*, Lawline.com, October 14, 2014
- (14) *Trial Techniques – Part 2: Cross- Examination & Closing Arguments*, Brooklyn Bar Association, May 15, 2014
- (13) *Trial Techniques – Part 1: Jury Selection, Opening Statements & Direct Examination*, Brooklyn Bar Association, May 7, 2014
- (12) *Health, Fitness & Adventure Sports Liability*, New York State Bar Association, August 1, 2013
- (11) *Direct Exams: How To Make Your Witnesses Shine*, New York State Academy of Trial Lawyers, May 6, 2013
- (10) *Opening Statements: A Recipe for Success*, Lawline.com, August 7, 2012
- (9) *“You Had Me at Hello”: Delivering an Effective and Powerful Opening Statement*, New York State Academy of Trial Lawyers, April 1, 2012
- (8) *Preparing the Construction Accident Case*, New York County Lawyers Association, March 26, 2012
- (7) *The Nuts and Bolts of a Trial*, New York State Academy of Trial Lawyers, October 24, 2011
- (6) *Personal Trainer Negligence*, Lawline.com, March 22, 2011
- (5) *Trial Effectively Using Experts in Personal Injury Cases*, Lawline.com, May 4, 2011
Techniques: The Tricks of the Trade, Lawline.com, February 16, 2011
- (4) *Practice Makes Perfect: Learn to Practice Like a Pro*, Lawline.com, January 18, 2011
- (3) *Jury Selection 101*, New York State Academy of Trial Lawyers, December 14, 2010
- (2) *Practical Guidelines for Getting Items into Evidence*, Lawline.com, March, 2010
- (1) *Winning Your Case: Trial Skills that Count*, Lawline.com, August 21, 2009

Television Appearances

Fox News Channel

- The O'Reilly Factor
- What's Happening Now with Martha McCallum

Andrew J. Smiley, Esq. Curriculum Vitae, Page 8

- America's News Room
- Fox & Friends
- Fox Business Channel
- Neil Cavuto
- Money with Melissa Francis

CNN -Anderson Cooper 360

ET – Entertainment Tonight

Bloomberg TV

Headline News

Tru TV

Court TV

The Morning Show with Mike and Juliet

Interests, Hobbies:

High-Performance Driving Events, Lime Rock Drivers Club, Porsche Enthusiast, Sim Racing, Tennis, Lego, Cooking, Yoga



CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

DEFENDANTS

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

SMILEY & SMILEY, LLP

122 East 42nd Street, Suite 3900, New York, N.Y. 10168

(212) 986-2022

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. 1332

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒

Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS

CONTRACT

- ☐ 110 INSURANCE
- ☐ 120 MARINE
- ☐ 130 MILLER ACT
- ☐ 140 NEGOTIABLE INSTRUMENT
- ☐ 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT
- ☐ 151 MEDICARE ACT
- ☐ 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)
- ☐ 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS
- ☐ 160 STOCKHOLDERS SUITS
- ☐ 190 OTHER CONTRACT
- ☐ 195 CONTRACT PRODUCT LIABILITY
- ☐ 196 FRANCHISE

REAL PROPERTY

- ☐ 210 LAND CONDEMNATION
- ☐ 220 FORECLOSURE
- ☐ 230 RENT LEASE & EJECTMENT
- ☐ 240 TORTS TO LAND
- ☐ 245 TORT PRODUCT LIABILITY
- ☐ 290 ALL OTHER REAL PROPERTY

PERSONAL INJURY

- ☐ 310 AIRPLANE
- ☐ 315 AIRPLANE PRODUCT LIABILITY
- ☐ 320 ASSAULT, LIBEL & SLANDER
- ☐ 330 FEDERAL EMPLOYERS' LIABILITY
- ☐ 340 MARINE
- ☐ 345 MARINE PRODUCT LIABILITY
- ☐ 350 MOTOR VEHICLE
- ☐ 355 MOTOR VEHICLE PRODUCT LIABILITY
- ☒ 360 OTHER PERSONAL INJURY
- ☐ 362 PERSONAL INJURY - MED MALPRACTICE

ACTIONS UNDER STATUTES

CIVIL RIGHTS

- ☐ 440 OTHER CIVIL RIGHTS (Non-Prisoner)
- ☐ 441 VOTING
- ☐ 442 EMPLOYMENT
- ☐ 443 HOUSING/ ACCOMMODATIONS
- ☐ 445 AMERICANS WITH DISABILITIES - EMPLOYMENT
- ☐ 446 AMERICANS WITH DISABILITIES - OTHER
- ☐ 448 EDUCATION

PERSONAL INJURY
☐ 367 HEALTHCARE/ PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY
☐ 365 PERSONAL INJURY PRODUCT LIABILITY
☐ 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

PERSONAL PROPERTY

- ☐ 370 OTHER FRAUD
- ☐ 371 TRUTH IN LENDING

- ☐ 380 OTHER PERSONAL PROPERTY DAMAGE
- ☐ 385 PROPERTY DAMAGE PRODUCT LIABILITY

PRISONER PETITIONS

- ☐ 463 ALIEN DETAINEE
- ☐ 510 MOTIONS TO VACATE SENTENCE
- ☐ 530 HABEAS CORPUS
- ☐ 535 DEATH PENALTY
- ☐ 540 MANDAMUS & OTHER

PRISONER CIVIL RIGHTS

- ☐ 550 CIVIL RIGHTS
- ☐ 555 PRISON CONDITION
- ☐ 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT

FORFEITURE/PENALTY

- ☐ 625 DRUG RELATED SEIZURE OF PROPERTY
- ☐ 21 USC 881
- ☐ 690 OTHER

PROPERTY RIGHTS

- ☐ 820 COPYRIGHTS
- ☐ 830 PATENT
- ☐ 835 PATENT-ABBREVIATED NEW DRUG APPLICATION
- ☐ 840 TRADEMARK

LABOR

- ☐ 710 FAIR LABOR STANDARDS ACT
- ☐ 720 LABOR/MGMT RELATIONS
- ☐ 740 RAILWAY LABOR ACT
- ☐ 751 FAMILY MEDICAL LEAVE ACT (FMLA)
- ☐ 790 OTHER LABOR LITIGATION
- ☐ 791 EMPL RET INC SECURITY ACT (ERISA)

IMMIGRATION

- ☐ 462 NATURALIZATION APPLICATION
- ☐ 465 OTHER IMMIGRATION ACTIONS

ACTIONS UNDER STATUTES

BANKRUPTCY

- ☐ 422 APPEAL
- ☐ 28 USC 158
- ☐ 423 WITHDRAWAL
- ☐ 28 USC 157

DEFEND TRADE SECRETS ACT

SOCIAL SECURITY

- ☐ 861 HIA (1395ff)
- ☐ 862 BLACK LUNG (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID TITLE XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS

- ☐ 870 TAXES (U.S. Plaintiff or Defendant)
- ☐ 871 IRS-THIRD PARTY
- ☐ 26 USC 7609

OTHER STATUTES

- ☐ 375 FALSE CLAIMS
- ☐ 376 QUI TAM
- ☐ 400 STATE REAPPORTIONMENT
- ☐ 410 ANTITRUST
- ☐ 430 BANKS & BANKING
- ☐ 450 COMMERCE
- ☐ 460 DEPORTATION
- ☐ 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
- ☐ 480 CONSUMER CREDIT
- ☐ 485 TELEPHONE CONSUMER PROTECTION ACT
- ☐ 490 CABLE/SATELLITE TV
- ☐ 850 SECURITIES/ COMMODITIES/ EXCHANGE
- ☐ 890 OTHER STATUTORY ACTIONS
- ☐ 891 AGRICULTURAL ACTS
- ☐ 893 ENVIRONMENTAL MATTERS
- ☐ 895 FREEDOM OF INFORMATION ACT
- ☐ 896 ARBITRATION
- ☐ 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
- ☐ 950 CONSTITUTIONALITY OF STATE STATUTES

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y. AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13? IF SO, STATE:

DEMAND \$2,000,000.00 OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☒ YES ☐ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation (Transferred) ☐ 7 Appeal to District Judge from Magistrate Judge
- ☐ a. all parties represented ☐ b. At least one party is pro se. ☐ 8 Multidistrict Litigation (Direct File)

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☐ 3 FEDERAL QUESTION ☒ 4 DIVERSITY
(U.S. NOT A PARTY)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[] 1	[X] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[] 3	[] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[] 5	[X] 5
CITIZEN OF ANOTHER STATE	[X] 2	[] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4	[] 4	FOREIGN NATION	[] 6	[] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

[REDACTED]

Galveston, TX 77554

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

[REDACTED]

[REDACTED]

bor

San Francisco, CA 94103

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN

DATE February 17, 2023

SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
[X] YES (DATE ADMITTED Mo. Dec. Yr. 2020)
Attorney Bar Code # 5444229

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

OVERVIEW OF THE FEDERAL COURT PROCESS

By Andrew J. Smiley, Esq.

April 3, 2025

FEDERAL RULES OF CIVIL PROCEDURE

<https://www.uscourts.gov/file/78323/download>

FEDERAL RULES OF EVIDENCE

<https://www.uscourts.gov/file/78325/download>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CIV.:

-----X
PLAINTIFF,

Plaintiff,

**VERIFIED
COMPLAINT**

--against--

DEFENDANT 1 and DEFENDANT 2

**PLAINTIFF DEMANDS
TRIAL BY JURY**

Defendants.
-----X

Plaintiff, PLAINTIFF, by her attorneys, SMILEY & SMILEY, LLP, complaining of the defendants, DEFENDANT 1 and DEFENDANT 2 hereinafter alleges at all times, upon information and belief as follows:

JURISDICTION

1. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §1332, in that this is an action by and between citizens of different States. The amount in controversy exceeds Seventy Five (\$75,000.00) Dollars as to the plaintiff, exclusive of interest and costs.

2. Venue is proper in this district pursuant to 28 U.S.C. §1391(b) because a substantial part of the events giving rise to this claim occurred in this district.

3. Plaintiff demands a trial by jury on the causes of action pleaded herein.

THE PARTIES

4. Plaintiff, PLAINTIFF, is a citizen of the State of Texas, domiciled and residing at 4108 XXXXXXXX, Galveston, TX XXXXXXXX.

5. Defendant, DEFENDANT 1, (hereinafter referred to as “XX”), is a citizen of the State of New York, domiciled and residing at XXXX Kalmia Avenue, Flushing, New York XXXX.

6. Defendant, DEFENDANT 2 (hereinafter referred to as “XXX”) was and still is a foreign corporation, authorized to transact business in the State of New York, with offices and corporate headquarters located 1455 Market Street, 4th Floor, San Francisco, CA, with a registered agent located at 28 Liberty Street, New York, New York 10005 for service of process.

7. On June 20, 2021, defendant, XX, was the owner and operator of a certain motor vehicle bearing New York State license plate number T706082C.

8. At all times herein mentioned, defendant, XX, was an employee, Contractor, agent, servant, and/or supervisee of defendant, XXX, and operated the aforementioned motor vehicle within the scope of his employment, retention and/or contract with defendant, XXX.

9. At all times herein mentioned, defendant, XXXX, created, operated, implemented, controlled and/or managed a car service, car sharing or ride sharing service ("service") which employed, retained and/ or contracted with the defendant, XX.

10. At all times herein mentioned, defendant, XX, created, operated, implemented, controlled and/or managed an electronic application or program ("XXX app") associated with the above-described service.

11. At all times herein mentioned, defendant, XXXX, communicates and/or otherwise interacts with its employees, agents, servants and/or contractors via the XXX app.

12. At all times herein mentioned, defendant, XXX, required defendant, XXX, to follow a specific course of conxxxxct or set of rules in the operation of his vehicle.

13. At all times herein mentioned, defendant, XXXX, required defendant, XXX, to install, use, and continue to use the XXX app to be hired and compensated for his operation of his vehicle while in the course of his employment, retention and/or contract with defendant, XXX.

14. At all times herein mentioned, the XXX app allowed defendant,XXX, to pick up and drop off passengers in the course of his employment, retention and/or contract with defendant, XXX.

15. At all times herein mentioned, the XXX app matched up the defendant, XX, with potential passengers.

16. At all times herein mentioned, the above-described Xxxx app gave instructions and/or suggestions to defendant, XXX, in the operation of his vehicle in the course of his employment, retention and/or contract with defendant, XXX.

17. At all times herein mentioned, the above-described XXX app instructed defendant, XXX, to pick up passengers within the course of defendant XXX's employment, retention and/or contract with defendant, XXX.

18. At all times herein mentioned, the XXX app gave directions within the course of defendant, XXXX's employment, retention and/ or contract with defendant, XXX.

19. At all times herein mentioned, defendant, XXXX, derived income in the course of its employment, retention and/ or contract with defendant, XXXX, through the usage of the aforesaid Xxxx app.

20. On or about June 20, 2021, at approximately 11:30 AM, defendant, XXXX, operated, maintained, managed, and controlled the above vehicle.

21. On or about June 20, 2021, at around 11:30 AM, defendant, XXXX, directed defendant, XXXX, to pick up plaintiff and drive the plaintiff to her chosen destination.

22. On or about June 20, 2021, at around 11:30 AM, the above-described Xxxx app instructed defendant, XXXX, to pick up plaintiff and drive the plaintiff to her chosen destination.

23. On or about June 20, 2021, at around 11:30 AM, defendant, XXXX, derived income from the above-described transaction.

24. On or about June 20, 2021, at around 11:30 AM, defendant, XXXX, maintained control over defendant, XXXX's operation of his vehicle.

25. On or about June 20, 2021, at around 11:30 AM, plaintiff paid defendant, XXXX, money in the course of using the Xxxx app.

26. On or about June 20, 2021, at around 11:30 AM, the plaintiff hired defendants' vehicle to transport her to a chosen location.

27. On or about June 20, 2021, plaintiff embarked upon defendants' vehicle at 45-01 20th Avenue, Queens, New York.

28. On or about June 20, 2021, at around 11:30 AM, after plaintiff embarked in defendants' vehicle, defendant, XXXX ran a red light, causing an accident and left the scene of the collision.

29. The defendants were negligent and careless in the ownership, operation, management and control of their motor vehicle; in operating their aforesaid motor vehicles at a greater rate of speed than care and caution would permit under the circumstances; in operating their vehicles in a negligent, careless and reckless manner; in failing to operate horns, lights and/or signaling devices; in failing and omitting to provide or give any signal or warning of approach; in

failing and omitting to provide and/or make timely and adequate use of brakes, signaling devices and steering mechanisms; in running a red traffic light; and in colliding with another motor vehicle in violation of the Vehicle and Traffic Laws of the State of New York; and in violating provisions of the Vehicle and Traffic Laws of the State of New York.

30. Solely as a result of the defendants' negligence, the plaintiff, PLAINTIFF, was seriously and permanently injured and was caused to suffer and will continue to suffer great physical pain and mental anguish.

31. The action falls within one or more of the exceptions set forth in CPLR Section 1602.

32. The plaintiff has sustained serious injuries as defined by Section 5102 of the Insurance Law of the State of New York.

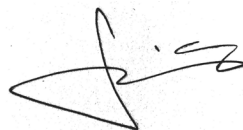
33. The amounts of damages sought in this action exceed the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, plaintiff, PLAINTIFF, demands judgment against the defendants, DEFENDANT 1 and DEFENDANT 2 together with the costs and disbursements of this action.

Dated: New York, New York
February 17, 2023

Yours, etc.

SMILEY & SMILEY, LLP
Attorneys for Plaintiff



By: _____

JASON D. FRIEDMAN
122 East 42nd Street, 39th Floor
New York, New York 10168
(212) 986-2022

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
[REDACTED]

Plaintiff,

**CIVIL CASE DISCOVERY PLAN
AND SCHEDULING ORDER**

- against -

[REDACTED]

Defendants.

1:23 CV 01424 (ER)

-----X
This Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel, pursuant to Fed. R. Civ. P. 16 and 26(f):

1. All parties [consent] [do not consent] to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. (If all parties consent, the remaining paragraphs of this form need not be completed.)
2. This case [**is**] [is not] to be tried to a jury.
3. Joinder of additional parties must be accomplished by August 2, 2023.
4. Amended pleadings may be filed until August 2, 2023.
5. Interrogatories shall be served no later than July 3, 2023, and responses thereto shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 [shall] [**shall not**] apply to this case.
6. First request for production of documents, if any, shall be served no later than July 3, 2023.
7. Non-expert depositions shall be completed by September 29, 2023.
 - a. Unless counsel agree otherwise or the Court so orders, depositions shall not be held until all parties have responded to any first requests for production of documents.
 - b. Depositions shall proceed concurrently.
 - c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.

8. Any further interrogatories, including expert interrogatories, shall be served no later than October 29, 2023.
9. Requests to Admit, if any, shall be served no later than October 29, 2023.
10. Expert reports shall be served no later than November 30, 2023.
11. Rebuttal expert reports shall be served no later than December 15, 2023.
12. Expert depositions shall be completed by January 15, 2024.
13. Additional provisions agreed upon by counsel are attached hereto and made a part hereof.
14. **ALL DISCOVERY SHALL BE COMPLETED BY** February 1, 2024.
15. Any motions shall be filed in accordance with the Court's Individual Practices.
16. This Civil Case Discovery Plan and Scheduling Order may not be changed without leave of Court (or the assigned Magistrate Judge acting under a specific order of reference).
17. The Magistrate Judge assigned to this case is the Hon. Robert W. Lehrburger.
18. If, after entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.
19. The next case management conference is scheduled for February 1, 2024, at 11 AM. (The Court will set this date at the initial conference.)

SO ORDERED.

Dated: New York, New York

Edgardo Ramos, U.S. District Judge

February 13, 2019

INDIVIDUAL PRACTICES OF JUDGE EDGARDO RAMOS

Contact Information

Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007
Tel (212) 805-0294
Courtroom 619
ChambersNYSDRamos@nysd.uscourts.gov

Courtroom Deputy Clerk

Ms. Jazmin Rivera
(212) 805-4590
jazmin_rivera@nysd.uscourts.gov

Unless otherwise ordered, matters before Judge Ramos shall be conducted in accordance with the following procedures:

1. Communications with Chambers

- A. Letters.** Except as otherwise provided below, communications with chambers shall be by letter, filed electronically via ECF. Letters seeking relief should be filed as letter-motions in accordance with Section 1.E below. Letters between or among counsel shall not be filed on ECF or otherwise sent to the Court (except as exhibits to an otherwise properly filed document).

Letters to be filed under seal or containing sensitive or confidential information may be e-mailed to the Court (ChambersNYSDRamos@nysd.uscourts.gov) as a .pdf attachment with a copy simultaneously delivered to all counsel. Any such e-mail shall state clearly in the subject line: (1) the caption of the case, including the lead party names and docket number; and (2) a brief description of the contents of the letter. Parties shall not include substantive communications in the body of the e-mail; such communications shall be included only in the body of the letter.

Parties shall not submit courtesy copies of letters that are filed as described above.

- B. Telephone Calls.** Except as provided below, telephone calls to chambers are permitted only in situations requiring immediate attention. In such situations, call chambers at (212) 805-0294.
- C. Faxes and E-mails.** Faxes to chambers are **not** permitted. Except as otherwise provided in Section 1.A. above, if a party wishes to e-mail a .pdf document to the

Court, it must obtain prior permission. E-mails should indicate who in chambers provided such permission, and must be copied to all counsel. *If a document is e-mailed to chambers, do **NOT** also send a hard copy.*

D. Docketing, Scheduling, and Calendar Matters. Please call Jazmin Rivera, Courtroom Deputy Clerk, at (212) 805-4590, during regular business hours.

E. Requests for Adjournments or Extensions of Time. All requests for adjournments or extensions of time shall be in writing and filed on ECF as letter-motions (if consistent with the S.D.N.Y. Local Rules and the S.D.N.Y. “Electronic Filing Rules and Instructions”), and must include:

- i. the original date;
- ii. the number of previous requests for adjournment or extension, and the reason(s) therefor;
- iii. whether the previous requests were granted or denied;
- iv. the reason for the instant request; and
- v. whether the adversary consents, and, if not, the reasons given by the adversary for refusing to consent.

If the requested adjournment or extension affects any other scheduled dates, a proposed Revised Scheduling Order must be attached. Absent extraordinary circumstances, requests for extensions will be denied if not made before the expiration of the original deadline. If the request is for an adjournment of a court appearance, absent an emergency, the request shall be made at least 48 hours prior to the scheduled appearance. Requests for extensions of deadlines regarding a matter that has been referred to a Magistrate Judge shall be directed to that assigned Magistrate Judge.

F. Proposed Orders and Stipulations. All proposed orders, judgments and stipulations requiring the Court’s signature, must be filed electronically on the court’s ECF system.

G. Courtesy Copies. One courtesy hard copy of all pleadings (complaint, answer, reply) and motion papers (with the exception of motions for admission *pro hac vice* and letter-motions), shall be submitted to chambers as soon as practicable after filing. Courtesy copies should be clearly marked as such. If hand-delivered, courtesy copies should be brought to the Court Security Officers at the Worth

Street entrance to 500 Pearl Street, not to chambers.

PLEASE NOTE: If a courtesy copy of a document filed on ECF is not delivered to chambers, it may not come to the Court's attention in a timely manner.

Whenever possible, the courtesy hard copy should be accompanied by an electronic copy submitted on any portable media (CD/DVD preferred).

- H. Urgent Communications.** As a general matter, materials filed via ECF are reviewed by the Court the business day after they have been filed. If a submission requires immediate attention, please notify Chambers by telephone after you file the submission via ECF.

2. Pleadings and Motions

A. Pre-Motion Conference in Civil Cases.

- i. For discovery motions, follow Local Civil Rule 37.2, requiring the moving party to request an informal conference with the Court before the filing of any such motion. Strict adherence to Fed. R. Civ. P. 37(a)(1), the "meet and confer" rule, is required. The parties should be prepared to describe the time, place, and duration of the meeting, and to identify the counsel involved.
- ii. A pre-motion conference with the Court is required before making any other motion, except where a litigant believes that delay in filing the motion might result in the loss of a right or where a litigant seeks to make a motion in a case involving an incarcerated *pro se* litigant, motion for admission *pro hac vice*, motion for reargument or reconsideration, or motion for temporary restraining order or preliminary injunction. To arrange a pre-motion conference, the moving party shall submit a letter, not to exceed three pages, setting forth the basis for the anticipated motion. The opposing party shall submit a letter, also not to exceed three pages, setting forth its position within three business days from the service of the moving party's letter. If a pre-motion conference is requested in connection with proposed motion to dismiss, the request will stay the deadline for the requesting party to move or answer, and a new deadline will be set at the conference.

B. Motion Papers.

- i. Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply

memoranda are limited to 10 pages. Memoranda of 10 pages or more shall contain a table of contents. All memoranda of law shall be in 12-point font or larger and be double-spaced, and shall have one inch margins on all sides. Unless prior permission has been granted, sur-reply memoranda will not be accepted.

- ii. All documents submitted in connection with motions must be bound in any manner that is secure, does not obscure the text, and permits the document to lie reasonably flat when open. Parties should submit multiple volumes rather than large documents that do not lie reasonably flat when open.

C. Special Rules for Summary Judgment Motions.

- i. Except for *pro se* litigants, the moving party shall provide all other parties with an electronic copy of the moving party's Statement of Material Facts pursuant to Local Civil Rule 56.1. Opposing parties must reproduce each entry in the moving party's Rule 56.1 Statement, and set out the opposing party's response directly beneath it.
- ii. With respect to any deposition transcript that is supplied, whether in whole or in part, in connection with a summary judgment motion, the index to the deposition should be included if it is available.
- iii. Except for *pro se* litigants, the parties shall provide the Court with an electronic, text-searchable courtesy copy of any hearing or deposition transcript, or a portion thereof, on which the parties rely, if such a copy is available, unless doing so would be unduly burdensome. (Parties shall provide these materials on a CD only, not on a DVD or memory stick and not by e-mail.)

- D. Oral Argument on Motions.** Parties may request oral argument by letter at the time their moving, opposing or reply papers are filed. The Court will determine whether argument will be heard and, if so, will advise counsel of the date and time.

3. Pretrial Procedures

- A. Joint pretrial statements in Civil Cases.** Unless otherwise ordered by the Court, within 30 days after the date for completion of discovery in a civil case, or, if a dispositive motion has been filed, within 30 days after a decision on the motion, the parties shall file a joint pretrial statement, with one courtesy hard

copy for chambers.

The joint pretrial statement shall include the information required by Fed. R. Civ. P. 26(a)(3) and the following:

- i. The full caption of the action.
- ii. The names, addresses (including firm names), e-mail addresses, and telephone and fax numbers of trial counsel.
- iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.
- iv. A brief summary by each party of the claims and defenses that party has asserted that remain to be tried, without recital of evidentiary matter but including citations to all statutes relied on. The parties shall also identify all claims and defenses previously asserted that are not to be tried.
- v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.
- vi. A statement as to whether all parties have consented to trial of the case by a magistrate judge (without identifying which parties have or have not so consented).
- vii. Any stipulations or agreed statements of fact or law.
- viii. A list of the witnesses each party expects to call on its case in chief, including a very brief description of the witness's role and/or the subject matter of his or her anticipated testimony, and a statement as to whether any other party objects to the witness.
- ix. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.
- x. A list by each party of exhibits to be offered in its case in chief, with one star indicating exhibits to which no party objects on grounds of authenticity, and two stars indicating exhibits to which no party objects on any ground.
- xi. A statement of the relief sought, including damages claimed, itemizing

each component or element of the damages sought with respect to each claim, and including the manner and method used to calculate the claimed damages.

- xii. A statement as to whether the parties consent to a less than unanimous verdict.

B. Filings Prior to Trial in Civil Cases. Unless otherwise ordered by the Court, each party shall file the following documents, and submit two courtesy hard copies to chambers, 15 days before the date of commencement of trial if such a date has been fixed, or 30 days after the filing of the joint pretrial statement if no date has been fixed:

- i. In jury cases, proposed *voir dire* questions, requests to charge, verdict form, and all documentary exhibits and depositions excerpts that will be offered as substantive evidence. The plaintiff's proposed *voir dire* questions should include an agreed upon paragraph (designated as such) for the Court to use in *voir dire* to provide the jury panel with a brief explanation of the case. If the parties cannot agree to a paragraph after good faith efforts, their respective proposed paragraphs (designated as such) should be set for in their respective *voir dire* submissions. In addition to being filed in the normal manner, proposed jury instructions should be e-mailed to Judge Ramos' law clerk. Counsel should call chambers at (212) 805-0294 to make arrangements for same. Each proposed jury instruction must contain a citation to the source/authority for the proposed instruction, or the request will be disregarded.
- ii. In nonjury cases, proposed findings of fact and conclusions of law. Proposed findings of fact should be detailed, and proposed conclusions of law should include a statement of the elements of each claim or defense.
- iii. In all cases, motions addressing any evidentiary or other issues that should be resolved *in limine*; and
- iv. In any case in which any party believes it would be useful, a pretrial memorandum.

C. Filings in Opposition. Unless otherwise ordered by the Court, any party may file, and submit one courtesy hard copy to chambers, the following documents within one week of the filing of any document described in section 3(B) above:

- i. Objections to the other party's proposed *voir dire* questions or requests to charge.
- ii. Opposition to any motion *in limine*.

- iii. Opposition to any legal argument made in a pretrial memorandum.

D. Additional Submissions in Non-Jury Cases. At the time the joint pretrial statement is filed, each party shall serve, but not file, the following documents, and submit two courtesy hard copies to chambers:

- i. Affidavits constituting the direct testimony of each trial witness, except for the testimony of an adverse witness for whom a party has requested and the Court has agreed to hear direct testimony during the trial. Three business days after submission of such affidavits, counsel for each party shall submit a list of all affiants whom he or she intends to cross-examine at trial. Only those witnesses who will be cross-examined need appear at trial. The original affidavit shall be marked as an exhibit at trial.
- ii. All deposition excerpts which will be offered as substantive evidence, as well as a 1-page synopsis (with page references) of those excerpts for each deposition.
- iii. All documentary exhibits.

4. Post-Trial Procedures. Counsel are responsible for raising promptly any issue concerning the accuracy of transcripts certified by the Court Reporter to be used for purposes of appeal. Counsel perceiving an error that is material shall stipulate to the appropriate correction or, if agreement cannot be reached, shall proceed by motion on notice. Non-material defects in syntax, grammar, spelling or punctuation should be ignored.

5. Default Judgments. A party that wishes to obtain a default judgment must proceed by way of order to show cause. Follow the Default Judgment Procedure, attached hereto as Attachment A.

6. Bankruptcy Appeals. Briefs must be submitted in accordance with Federal Rules of Bankruptcy Procedure 8014 through 8018. Counsel may extend the dates provided therein by stipulation submitted to the Court no later than two business days before the brief is due. The page limits in Rule 7.1(c) of the Local Civil Rules of the United States District Courts for the Southern and Eastern Districts of New York must be observed.

7. Criminal Cases

A. Initial Matters. Upon assignment of a criminal case to Judge Ramos, the parties shall immediately arrange with the Courtroom Deputy for a prompt initial conference, at which the defendant will be present. The Assistant United States Attorney (“AUSA”) shall provide to chambers, as soon as practicable, a courtesy

copy of the Indictment or Information, and a courtesy copy of the Complaint, if one exists.

B. Guilty Pleas. Guilty pleas will ordinarily be taken by Judge Ramos and will not be assigned to Magistrate Judges by standing order. Permission for a guilty plea to be taken before a Magistrate Judge may be given under special circumstances. The AUSA shall provide a courtesy copy of any plea agreement or related documents to chambers as soon as practicable.

C. Sentencing. Follow the Sentencing Procedures attached hereto as Attachment B.

8. Encouraged Participation of Junior Members of Legal Teams. Due to the decline of trials, opportunities to train junior lawyers in courtroom skills have become increasingly rare. Accordingly, where junior lawyers are familiar with the matter under consideration, but are not experienced in arguing before a court, they should be encouraged to actively participate. In such circumstances, where it creates an opportunity for a junior lawyer to argue, this Court is amenable to permitting more than one lawyer to argue for one party.

ATTACHMENT A

DEFAULT JUDGMENT PROCEDURE

1. Prepare an Order to Show Cause for default judgment and make the Order returnable before Judge Ramos in Courtroom 619 of the United States Courthouse, 40 Foley Square, New York, NY. Leave the date and time of the conference blank. Judge Ramos will set the date and time when he signs the Order.
2. Attach the following papers to the Order to Show Cause:
 - A. an attorney's affidavit setting forth:
 - i. why a default judgment is appropriate, including a description of the method and date of service of the original summons and complaint;
 - ii. whether, if the default is applicable to fewer than all of the defendants, the Court may appropriately order a default judgment on the issue of liability and/or damages prior to resolution of the entire action (see Fed. R. Civ. P. Rule 54(b));
 - iii. the proposed Statement of Damages and the basis for each element of damages including interest, attorney's fees, and costs; and
 - iv. legal authority for why an inquest would be unnecessary;
 - B. a proposed default judgment;
 - C. copies of all of the pleadings;
 - D. a copy of the affidavit of service of the original summons and complaint;
 - E. if failure to answer is the basis for the default, a Certificate from the Clerk of Court stating that no answer has been filed.
3. Take the Order to Show Cause with the attachments to the Orders and Judgments Clerk's Office on the 2nd Floor, room 200 at 500 Pearl Street for approval.
4. After the Clerk approves the Order to Show Cause, the Clerk will call chambers and ask if chambers is available, bring the papers to chambers (room 410) for the Judge's signature.
5. After the Judge signs the Order and it is filed in ECF, print a copy and serve it on the defendant.
6. Prior to the return date, file the affidavit of service on the defendant of a conformed copy of the Order. For ECF cases, the affidavit of service must be filed electronically on the ECF system.

ATTACHMENT B

SENTENCING PROCEDURES

Unless permission to the contrary has been obtained, every document in a sentencing submission, including letters, should be filed in the public record, either in paper form or through the ECF system, using the procedures described below. The defendant is responsible for filing all letters submitted on behalf of the defendant, including those from friends, relatives, etc. The Government is responsible for filing all letters from victims.

In this regard, the parties are referred to E-Government Act of 2002 and the Southern District's ECF Rules & Instructions, Section 21, Privacy and Public Access to ECF cases, ("Privacy Policy") and reminded not, unless necessary, to include the five categories of "sensitive information" in their submissions (*i.e.*, social security numbers; names of minor children [use the initials only]; dates of birth [use the year only]; financial account numbers; and home addresses [use only the city and state]). Parties may redact the five categories of "sensitive information" and the six categories of information requiring caution (*i.e.*, personal identifying numbers; medical records, treatment and diagnosis; employment history; individual financial information; proprietary or trade secret information; and information regarding an individual's cooperation with the government) as described in the Privacy Policy, without application to the Court. If any material is redacted from the publicly filed document, only those pages containing the redacted material will be filed under seal. Bring a copy of those pages to the sentencing proceeding, marked to indicate what information has been redacted from the publicly filed materials, to give to the Court for filing under seal.

1. A defendant's sentencing submission shall be served two weeks in advance of the date set for sentence. The Government's sentencing submission shall be served one week in advance of the date set for sentence. The parties should provide the Court with one courtesy copy of each submission when it is served. At the time it is served, a party shall file its sentencing submission following one of the two procedures described here.
 - A. **Paper Filing.** If the case is not electronically filed, letters must be filed as hard copies. A party shall group all letters together in a single paper filing under a cover marked SENTENCING MEMORANDUM with the caption and docket number clearly indicated and submit it to the Clerk's Office.
 - B. **ECF Filing.** If the case is electronically filed, letters must be electronically filed on the ECF system. A party shall group and file the letters together as attachments to a single document marked SENTENCING MEMORANDUM with the caption and docket number clearly indicated.
2. If a party redacts information beyond the eleven categories of information identified in the Privacy Policy, an application to do so must be served and filed at the time the sentencing submission is served. The application should clearly identify the redaction and explain the reasons for the redaction. The application will be addressed at the sentencing proceeding.
3. If you have any questions about these procedures, contact Judge Ramos' Courtroom Deputy Clerk, Jazmin Rivera, at (212) 805-4590.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Civ. No.: 1:23-cv-01424

Plaintiff,

-against-

Defendants.

**DEMAND FOR
PRODUCTION
OF INSURANCE
AGREEMENTS**

Plaintiff, [REDACTED] through her attorneys, SMILEY & SMILEY, LLP, pursuant to F.R.C.P. Rule 34, requests that the defendants, [REDACTED] and [REDACTED] respond to the following within 30 days of the date of this demand.

All references to [REDACTED] herein refer to its parents, subsidiaries, affiliates, agents, servants or employees, the defendants shall provide to the plaintiff, and any other party in the action, proof of the existence and contents of any insurance agreement in the form of the insurance policy in place at the time of the loss or, if agreed to by the plaintiff in writing, in the form of a declaration page, under which any person or entity may be liable to satisfy part or all of a judgment that may be entered in this action or to indemnify or reimburse for payments made to satisfy the entry of final judgment. Information and documentation, as evidenced in the form of a copy of the insurance policy in place at the time of the loss or declaration page, shall include:

1. All primary, excess, and umbrella policies, contracts or agreements issued by private or publicly-traded stock companies, mutual insurance companies, captive insurance entities, risk retention groups, reciprocal insurance exchanges, syndicates, including, but not limited to, Lloyd's Underwriters as defined in six thousand one hundred sixteen of the insurance law, surplus lines insurers, and self-insurance programs insofar as such documents relate to the claim being litigated;

2. If the insurance policy in place is provided, a complete copy of any policy, contract, or agreement under which any person or entity may be liable to satisfy part or all of a judgment that may be entered in this action or to indemnify or reimburse for payments made to satisfy the entry of final judgment as referred to in this demand, including, but not limited to, declarations, insuring agreements, conditions, exclusions, endorsements, and similar conditions;

3. The contact information, including the name and e-mail address of an assigned individual responsible for adjusting the claim at issue;

4. The total limits available under any policy, contract, or agreement, which shall mean the actual funds, after taking into account erosion and any other offsets, which can be used to satisfy a judgment described in this demand or to reimburse for payments made to satisfy the judgment.

PLEASE TAKE FURTHER NOTICE: For purposes of this demand, an application for insurance shall not be treated as part of an insurance agreement.

PLEASE TAKE FURTHER NOTICE: You must make reasonable efforts to ensure that the information remains accurate and complete and provide updated information to any party to whom this information has been provided at the filing of the note of issue, when entering into any formal settlement negotiations conducted or supervised by the court, at a voluntary mediation, and when the case is called for trial, and for sixty days after any settlement or entry of final judgment in the case, inclusive of all appeals.

PLEASE TAKE FURTHER NOTICE: Pursuant to F.R.C.P. Rule 34, the information provided pursuant to this demand shall be accompanied by a certification by each defendant and by a certification by any attorney appearing for the defendant, sworn in the form of an affidavit or affirmation where appropriate, stating that the information is accurate and complete, and that reasonable efforts have been undertaken and will be undertaken, to ensure that this information

remains accurate and complete.

Dated: New York, New York
September 18, 2023

Yours, etc.,

SMILEY & SMILEY, LLP

By: Michael S. Solomon
MICHAEL S. SOLOMON
Attorneys for Plaintiff
122 East 42nd Street, Suite 3900
New York, NY 10168
(212) 986-2022

TO: WILSON, [REDACTED]
[REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]

-----X

[REDACTED]

Plaintiff,

-against-

[REDACTED]

Defendants.

-----X

**DEMAND FOR
EXPERT WITNESS
INFORMATION**

PLEASE TAKE NOTICE, that pursuant to Federal Rule 26 (b), the plaintiff, [REDACTED] by her attorneys, SMILEY & SMILEY, LLP, hereby demand that the defendants, [REDACTED] and [REDACTED], provide the following information:

All references to [REDACTED] herein refer to its parents, subsidiaries, affiliates, agents, servants or employees, a statement disclosing in reasonable detail of the following information regarding each person you expect to call as an expert witness at the trial of this action:

1. Identify each person with whom the defendants expect to call as an expert witness at trial;
2. Disclose in reasonable detail the subject matter on which expert is expected to testify;
3. State the substance of the facts and opinions on which expert is expected to testify;
4. State the qualifications of each expert; and
5. A summary of the grounds upon which expert's opinion is based.

Defendants are required to produce the demanded information at the offices of SMILEY & SMILEY, LLP, 122 East 42nd Street, Suite 3900, New York, New York 10168 within thirty (30) days after service of of this Demand.

PLEASE TAKE FURTHER NOTICE that the party served may submit copies of all documents requested, on or before the return date of this Notice in lieu of personal appearance.

PLEASE TAKE FURTHER NOTICE that this is a continuing demand and should any of the information requested become available or known in the future, then you are required to furnish same at such time.

Dated: New York, New York
September 18, 2023

Yours, etc.,

SMILEY & SMILEY, LLP

By: Michael S. Solomon
MICHAEL S. SOLOMON
Attorneys for Plaintiff
122 East 42nd Street, Suite 3900
New York, NY 10168
(212) 986-2022

TO: [REDACTED]
[REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]

_____;

DEMAND FOR ELECTRONIC DATA

_____.

-----X

Plaintiff, [REDACTED] U, through her attorneys, SMILEY & SMILEY, LLP, pursuant to F.R.C.P. Rule 34, requests that the defendants, [REDACTED]) and [REDACTED]) respond to the following within 30 days of the date of this demand.

1. All relevant electronically stored e-mails, letters, notes, memoranda, and calendar entries from personal computer(s), laptop computer(s), home desktop computer(s), cellular telephone(s), personal digital assistant(s), or any other device with such storage capabilities;

2. All relevant Instant Message (IM) logs, transcripts, data (.dat) files stored on hard drive(s) including but not limited to personal computer(s), laptop computer(s), home desktop computer(s), cellular telephone(s), personal digital assistant(s), and computer(s) used at the Plaintiff(s)' place of employment;

3. All relevant text messages sent from and received by the defendants which are stored on cellular telephone(s), personal digital assistant(s), or any other similar device(s) with the capability of sending and receiving text messages;

4. All relevant voicemail messages stored on cellular telephone(s), home telephone(s), work telephone(s), personal digital assistant(s), or any other device(s) with the capability of receiving and saving voicemail messages;

6

electronically stored information (ESI) including but not limited to the following electronic systems:

- a. Servers and other active and dynamic data including but not limited to file servers, email and voicemail servers;
- b. Data management systems including but not limited to backup tapes, financial systems, and disaster recovery systems;
- c. Endpoints including but not limited to desktops, laptops, personal digital assistants, and cellular telephones;
- d. Portable media including but not limited to flash drives, hard drives, CDs and DVDs; and
- e. Data hosted by third-party vendors including but not limited to payroll systems and junk mail filtering systems.

PLEASE TAKE FURTHER NOTICE, that in lieu of producing said items at the offices of the undersigned, defendants may submit same by e-mail to the undersigned before the return date of the within Notice.

Dated: New York, New York
September 18, 2023

Yours, etc.,

SMILEY & SMILEY, LLP

By: Michael S. Solomon
MICHAEL S. SOLOMON
Attorneys for Plaintiff
122 East 42nd Street, Suite 3900
New York, NY 10168
(212) 986-2022

TO:

[REDACTED]
[REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]

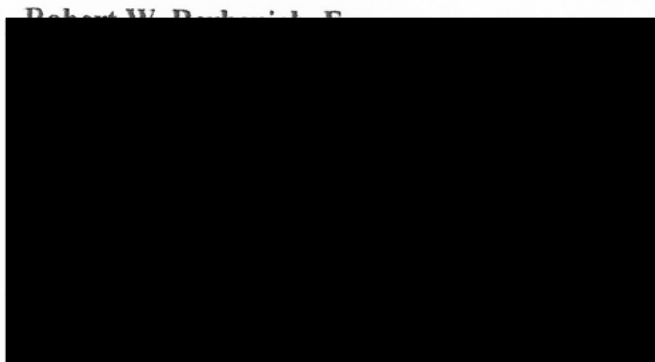
AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
 SS.:
COUNTY OF NEW YORK)

Madlyn I. Solivan, being duly sworn, deposes and says:

I am not a party to this action, am over 18 years of age and reside in New York, New York.

On September 18, 2023, I served the annexed **PLAINTIFF'S DEMAND FOR PRODUCTION OF INSURANCE AGREEMENTS; DEMAND FOR EXPERT WITNESS INFORMATION and DEMAND FOR ELECTRONIC, VIA EMAIL, to:**

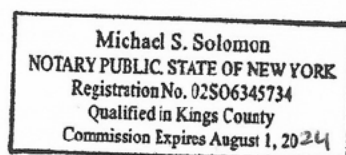


DICKER LLP
INC.

Madlyn I. Solivan
MADLYN I. SOLIVAN

Sworn to before me this
18th day of September '23

Michael S. Solomon
NOTARY PUBLIC



Docket No.: 1:23-cv-01424

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

_____ ,

Plaintiff,

--against-

_____ ,

Defendants.

PLAINTIFF'S DEMANDS

SMILEY & SMILEY, LLP
Attorney for Plaintiff
122 EAST 42nd STREET, SUITE 3900
NEW YORK, NEW YORK 10168
(212) 986-2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Civil Action No.: 1:23-cv-01424

-----X

████████████████████

Plaintiff,

--against--

██

Defendants.

-----X

**PLAINTIFF'S
REQUEST FOR
DOCUMENT
PRODUCTION
PURSUANT TO
F.R.C.P. RULE 34**

Plaintiff, ██████████ through her attorneys, SMILEY & SMILEY, LLP, pursuant to F.R.C.P. Rule 34, requests that the defendants, ██████████ and ██████████ respond to the following within 30 days of the date of this demand. All references to ██████████ herein refer to its parents, subsidiaries, affiliates, agents, servants or employees:

REQUESTS FOR PRODUCTION:

1. Produce and provide copies of any and all photographs, slides, videotapes, dash cam recordings or other vehicular recording devices or motion pictures in defendant's custody and control depicting:

- (a) The happening of the accident;
- (b) The scene of the accident;
- (c) The plaintiff before during or after the accident;
- (c) Any damage to the defendant's vehicle caused by the accident;

2. Surveillance tapes and photographs of the plaintiff. This is a continuing demand.

3. The names and current address of all persons that witnessed the occurrence alleged in the complaint.

4. Statements of the plaintiff whether oral, written, taped, stenographic, signed or photographic, in the custody or possession of the defendants.

5. Accident reports of the defendants made in the regular course of business.

6. Any estimates, invoices, bills or records for repairs to defendant [REDACTED]'s vehicle for damages sustained in the subject accident.

7. Copy of defendant, [REDACTED], driver's license.

8. Any and all written reports of the subject incident prepared in the regular course of business operations or practices of the defendants, or any other associated person, firm, corporation or association, or other public or private entity, including, but not limited to, the following:

- a. Police or aided reports;
- b. Any driver's report, including, any driver's personnel file and driving record, for 5 years prior to the accident to the present;
- c. Reports to or from a governmental agency or official, including any MV-104 or any other accident report filed;
- d. briefs, reports and statements arising from or conducted in connection with any party's internal investigations or inquiries;
- e. reports of investigations conducted by third parties;
- f. reports to and by liability insurance carriers regarding the subject accident;

9. Copies of all records maintained by [REDACTED] regarding the subject motor vehicle accident.

10. Copies of all trip logs maintained by the defendants regarding use of the [REDACTED] vehicle for June 20, 2021.
11. Copies of [REDACTED]'s phone records, including phone calls, text messages, e-mails, notifications and/or pop-ups for June 20, 2021.
12. Copies of any and all notifications, texts, emails, pop-ups, or alerts sent to defendant [REDACTED] on June 20, 2021.
13. Copies of any promotions, bonuses, or driver incentive programs that were active for drivers using the [REDACTED] application from June 17, 2021, to June 20, 2021.
14. Copies of the surge pricing maps for June 20, 2021, made available to defendant DU.
15. Copies of all documents and records of defendant [REDACTED] interactions with the Uber application from June 20, 2021, to June 25, 2021.
16. Copies of all policies in effect on June 20, 2021, regarding maximum driver hours allowed for a day, week, and month for all drivers utilizing the [REDACTED] application, including defendant [REDACTED].
17. Copies of all background investigation of defendant [REDACTED] and any history of claims relating to defendant [REDACTED].
18. Any and all maintenance records on the vehicle operated by defendant [REDACTED] at the time of the accident for a period of three years preceding the accident.
19. Any and all records of defendant [REDACTED]'s driving history for a period of three years preceding the accident.

20. Any and all telematics and/or analytical data maintained by [REDACTED] regarding defendant [REDACTED] driving habits, as well as any driver safety scores or data for a period of 30 days preceding the accident.

21. Any and all documents reflecting what rides were pending pickup from 10:30 AM through 12:30 PM on June 20, 2021.

22. Any and all documents reflecting defendant [REDACTED] earning goals for the 2 weeks preceding and including June 20, 2022.

23. Any and all telematics and/or analytical data maintained by [REDACTED] regarding defendant [REDACTED] coordinates on June 20, 2021.

24. Any and all telematics and/or analytical data maintained by [REDACTED] regarding accelerometer data, from defendant [REDACTED] phone, for June 20, 2021.

25. Any and all telematics and/or analytical data maintained by [REDACTED] regarding when DU was logged onto or off the [REDACTED] application on June 20, 2021.

26. Any and all ratings and rider comments for defendant [REDACTED], whether shared to the driver's [REDACTED] profile or sent to [REDACTED] directly.

27. Any and all notices ever sent to defendant [REDACTED] regarding his driving habits or driver safety.

28. Any and all documents reflecting whether [REDACTED] account was ever suspended, restricted, or terminated for any reason at any time.

29. Any and all graphics or images displayed to the driver through the [REDACTED] application on June 20, 2021, including the date and times these were displayed.

30. The complete employment file or work-related documents of any type of defendant, [REDACTED] pertaining to defendant DU including but not limited to, [REDACTED] application for employment

or other work; said driver's resume and/or written past employment history records; motor vehicle records pertaining to [REDACTED] 2016 Honda bearing New York registration T706082C; complete records and written results pertaining to the background investigation conducted by [REDACTED]; payroll records; W2s; purported independent contractor records, 1099s; criminal history search results; driving history record of [REDACTED] vehicle inspection results.

31. All records and communications between [REDACTED] regarding [REDACTED]'s hiring, retention, suspension and/or firing of [REDACTED], including suspension notices; suspension notification from the [REDACTED] Platform; applications for reinstatement and reinstatement notices.

32. The correspondence and communications between [REDACTED] and the New York City Taxi & Limousine Commission regarding the hiring, retention, firing and/or suspension of [REDACTED] as an [REDACTED] driver.

33. The correspondence and communications between [REDACTED] and the New York City Taxi Limousine Commission, pertaining to the motor vehicle crash that occurred on June 20, 2021 which is the subject of this action.

34. The communications between [REDACTED] and the New York City Police Department pertaining to the investigation and/or assistance in connection with the investigation surrounding the accident.

35. The documents, records and communications in the possession of [REDACTED] showing all [REDACTED] trips/calls, including the times of pick-up and drop-off locations of said trips, by [REDACTED] on June 20, 2021.

36. All documentation maintained by [REDACTED] regarding the employment, agency and/or partnership status of [REDACTED], to include, but not limited to:

a. Application for an account on the [https://\[REDACTED\]](https://[REDACTED])

- b. Complete application for uses of the “█████ Platform,” including:
 - i. Commercial Driver’s License information;
 - ii. Background check results;
 - iii. Registration documentation;
 - iv. Driving record; and
 - v. Insurance information.
- c. Any further documentation or applications for the defendant, █████ to utilize the █████ application to transport passengers.

37. The Code of Conduct for drivers, including █████ in effect on June 20, 2021, promulgated by the defendant, █████, and/or an █████ affiliated entity.

38. The Quality Improvement Flyers for drivers promulgated by █████ and/or its affiliated entities and in effect on June 20, 2021.

39. The Weekly Pay Statements issued by █████ and/or its affiliated entities to █████ from the start of his employment/relationship with █████ until June 20, 2021.

40. The communications between █████ and/or its affiliated entities and █████, pertaining to █████ performance as a driver utilizing the █████ Application entities. Said communications shall include, but not be limited to, passenger complaints regarding █████ and communications by █████ and/or its affiliated entities to █████ regarding those complaints pertaining to █████. Such communications are requested from the period from the start of █████ employment/relationship with █████ until June 20, 2021.

41. The driver Deactivation Policy of █████ and/or its affiliated entities in effect on June 20, 2021.

42. The records of any “█████ Vehicle Inspection” performed by █████ on the

2016 Honda owned by [REDACTED] and bearing New York registration T706082C.

43. All reports of any internal investigations conducted by [REDACTED] and/or its agents regarding the subject accident.

44. The documents and records in the possession of [REDACTED] regarding the training received by [REDACTED] from the date when he was permitted to use the [REDACTED] application to transport passenger.

46. All data and metadata for the [REDACTED] Device that was issued to [REDACTED] prior to and including the date of the accident.

47. All data and metadata for the [REDACTED] Device installed on the Personal Digital Assistant and/or personal smart phone of [REDACTED] from the start of [REDACTED] employment and/or work with [REDACTED] to the date of the accident.

48. Any and all repair and/or maintenance records, including but not limited to, requisitions, invoices, inspection checklists and drivers' reports relating to defendant [REDACTED] from June 20, 2020 to June 20, 2022.






49. Any and all reports, information, and/or data generated after the accident, which is the subject of the instant litigation, from the defendant, [REDACTED] "Crash Data Retrieval System" and/or "Event Data Records" and or similar systems.






50. The version of [REDACTED] software utilized in the [REDACTED] vehicle which was involved in the accident which is the subject lawsuit.

Dated: New York, New York
June 13, 2023

SMILEY & SMILEY, LLP
Attorneys for Plaintiff

By: 
ROSA M. FEENEY
122 East 42nd Street, 39th Floor
New York, New York 10168
(212) 986-2022
rfeeney@smileylaw.com

TO: 





AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
 SS.:
COUNTY OF NEW YORK)

Madlyn I. Solivan, being duly sworn, deposes and says:

I am not a party to this action, am over 18 years of age and reside in New York, New York.

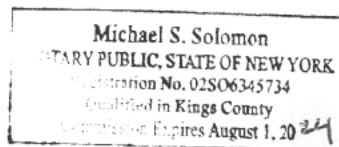
On June 14, 2023, I served the annexed **PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS, VIA EMAIL**, to:



Madlyn I. Solivan
MADLYN I. SOLIVAN

Sworn to before me this
14th day of June, 2023

Michael S. Solomon
NOTARY PUBLIC



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Defendants.

PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS

SMILEY & SMILEY, LLP
Attorney for Plaintiff
122 EAST 42nd STREET, SUITE 3900
NEW YORK, NEW YORK 10168
(212) 986-2022

SPECIAL THANKS TO ACADEMY SPONSORS



Your comprehensive plaintiff-loyal settlement planning firm. Negotiation and mediation support, lien resolution and structured settlement plans.



A podcast for lawyers and aspiring lawyers hosted by Andrew J. Smiley, Esq.



A fully-integrated case management system designed exclusively for personal injury and mass tort litigation practice.



A prominent provider of information and analytics solutions tailored for legal, regulatory, and business experts. Offerings include legal research databases, insights, and news.



Attorney operated Medicare, Medicaid, ERISA and other healthcare lien resolution, and MSA allocation firm. Precision resolves liens so that trial attorneys can focus on the task at hand: winning the case.



NAM (National Arbitration and Mediation) is consistently recognized by the legal community for its superb customer service and exceptional panel of arbitrators and mediators.



A full service lien resolution company that comes at no cost to law firms and is reducing liens for clients by an average of over 50%.



Provides managed IT services to customers, including proactive support, live monitoring, management and maintenance for their systems.

SPECIAL THANKS TO ACADEMY SPONSORS



The attorney's comprehensive resource for structured settlement annuities, consulting and negotiation services.



A team of award-winning economists and analysts that provides high-quality economic consulting services in a wide variety of litigated matters.



Offers an array of services including local and national court reporting, medical record retrieval, process service, registered agent services and legal talent outsourcing.



Steno offers unrivaled court reporting services combined with purpose-built technology. Built by legal and tech experts who believed that firms deserve first-class service, clients enjoy white glove service, concierge care and a customer-first approach that is revolutionizing court reporting.



Empowering lawyers in analyzing various legal documents and accelerating fact findings, conducting legal research and auto-drafting legal memos, and automating key workflows in personal injury.



Assists attorneys in all 50 states with expert assistance in preparing, filing, and serving appeals in any state or federal appellate court nationwide and several international tribunals.



Professional liability insurance that helps protect law firms with 1-9 attorneys, including attorneys billing less than 26 hours per week.



Offers a wide range of financial products and services while striving to create a one-of-a-kind banking experience grounded in relationships, nurtured through service, and measured by results.

SPECIAL THANKS TO ACADEMY SPONSORS



Providing medical experts; medical record retrieval; summaries, chronologies & demands by physicians; and medical cost reports by testifying life care planners.



Trust accounting and banking solutions for law firms. It is designed with attorney insights - for lawyers, by lawyers - and is a no-cost, cloud-based platform for those managing solo and small law firms.



Your record retrieval experts: offering flat fee pricing, fast turnaround, live tracking, full control over custodial charges, e-authorization, different user permission levels, and more!



A highly credentialed group of engineers, architects, scientists and fire investigators who assist in disputes and litigation through investigations, reports and testimony.



Providing physician assistance in reducing, organizing and reviewing digital files.



The leading expert witness service offering custom expert recruiting and high-touch consulting in every specialty.



PARTNERED WITH



SAGE
SETTLEMENT CONSULTING

Hart Settlement Group's focus centers around assisting attorneys as well as individuals and their families with the evaluation design and negotiation of structured settlements.



Providing objective vocational evaluations, life care plans, and loss of household services evaluation; and will testify credibly & confidently regarding rehabilitation processes, needs, and resources.

SPECIAL THANKS TO ACADEMY SPONSORS



The #1 mobile client engagement software for law firms who care about clients, the bottom line & firm growth.



Court reporting and videography services since 1989, as well as litigation support, online document management and protected file storage.



America's leading medical exhibit specialist offering products such as Animations, Interactive Presentations and Timelines, 3-D Models and Exhibit Boards.



Helping NY attorneys recover on judgments for their clients against uninsured and defaulted defendants by using innovative investigative and legal strategies and dogged persistence.



More than just a case management system - designed exclusively for plaintiff personal injury law firms, and allows you to take control of your practice from intake to closure and beyond.



We are a medical professional organization that serves law firms and attorneys. We are medical eyes and ears at Independent Medical Exams and we provide medical case reviews with chronologies.



A boutique, full service structured settlement firm that provides web-based settlement calculators for the exclusive use its clients.



With over 40 years of experience in the industry, we understand the needs of lawyers. We provide law firms with leads and resources to reach new heights of success.

SPECIAL THANKS TO ACADEMY SPONSORS



Earn CLE credits around the world. In addition to customized CLE programming, programs offer cultural immersion and local community engagement, creating memorable experiences for lawyers and non-lawyers alike.



The nation's largest online deposition bank, exclusively for plaintiff lawyers.



Providing concise summaries of all torts decisions from the 1st and 2nd Departments and Court of Appeal every week by email, their website, or the NYTW ANYWHERE app.