

# NEW YORK CIVIL LAW

# Civil Personal Injury Deadlines Guide

A stage-by-stage New York litigation timeline for claims adjusters and civil litigators

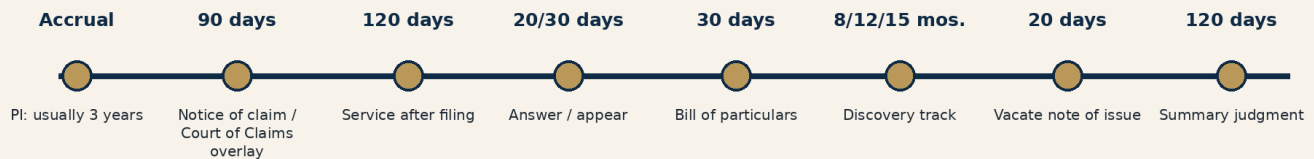
## How to use this guide

Start with the sequence flowchart. Then use the stage pages as a docketing checklist. Each stage states the trigger event, the deadline, the claims-file reason the deadline is important, and the primary New York authority to confirm the rule. Always check assigned-part rules, court orders, county practices, NYSCEF service, and stipulations, as they can govern the actual date.

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## Deadline Trigger Map

The most common calendar triggers in a New York civil personal injury action.



### Claims-file rule:

Some deadlines run from the accident. Others run from filing, service completion, answer, demand, court order, note of issue, notice of entry, or tender of settlement papers. Never docket a date without first docketing its trigger.

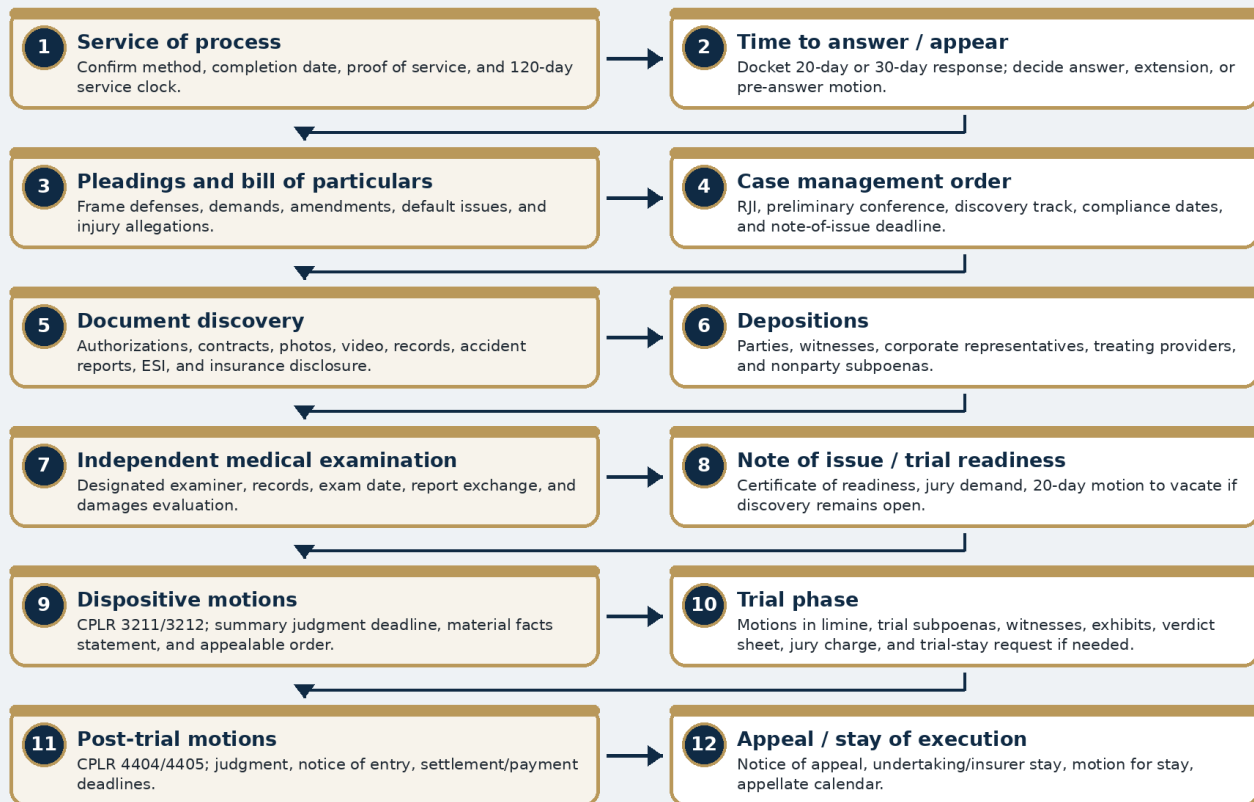
## OVERVIEW

# Life of a New York Civil Case

The practical order of operations from service through appeal.

## General Sequence of a New York Civil Personal Injury Action

For claims adjusters and litigators: each box is a docketing and claims-evaluation checkpoint.



Docket the trigger event first. Then docket the legal deadline, an internal follow-up date, the claims-file decision point, and the authority backup

## Practice Note

The litigation path is not always linear. Motions can stay discovery, discovery disputes can delay trial readiness, and a dispositive motion can end the case before trial. But the adjuster file should still track every phase because each phase affects reserve evaluation, settlement posture, litigation budget, indemnity exposure, and appeal risk.

# Master Deadline Matrix

| Event                     | Deadline                                                                                                                                                       | Authority                   | Claims-file note                                                                                                      |
|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-----------------------------------------------------------------------------------------------------------------------|
| Ordinary PI limitations   | 3 years from accrual                                                                                                                                           | CPLR § 214(5)               | Screen public entity, State, malpractice, wrongful death, infancy/disability, toxic exposure, and revival-law issues. |
| Municipal notice of claim | 90 days after the claim arises                                                                                                                                 | GML § 50-e                  | Wrongful death notice period runs from appointment of estate representative.                                          |
| State negligence claim    | 90 days to claim or notice of intention; if notice served, claim within 2 years                                                                                | Court of Claims Act § 10(3) | Jurisdictional service/filing rules are unforgiving.                                                                  |
| Service after filing      | 120 days after commencement                                                                                                                                    | CPLR § 306-b                | Docket before dismissal risk arises; move to extend if needed.                                                        |
| Appear / answer           | 20 days after personal delivery in NY; generally 30 days after completion of specified other service                                                           | CPLR § 320; 3012            | Pre-answer CPLR 3211 motion extends pleading time.                                                                    |
| Bill of particulars       | 30 days after demand                                                                                                                                           | CPLR 3042                   | Claims file learns injuries, negligence theories, special damages, and permanency.                                    |
| Insurance disclosure      | 90 days after answer; update at note of issue, court-supervised settlement, mediation, trial call, and for 60 days after settlement/judgment including appeals | CPLR § 3101(f)              | Confirm policy, limits, erosion, and adjuster contact information.                                                    |
| Depositions               | 20 days notice for oral deposition                                                                                                                             | CPLR 3107                   | Court order usually controls actual sequence and dates.                                                               |

**QUICK REFERENCE**

# Master Deadline Matrix - Continued

Appeal, trial, post-trial, and motion deadlines that should be docketed immediately.

| Event                   | Deadline                                                                      | Authority          | Claims-file note                                                               |
|-------------------------|-------------------------------------------------------------------------------|--------------------|--------------------------------------------------------------------------------|
| Note of issue challenge | 20 days after service of note of issue/certificate of readiness               | 22 NYCRR 202.21(e) | Move to vacate if discovery is not complete.                                   |
| Summary judgment        | Court-set date; if none, no later than 120 days after note of issue           | CPLR 3212(a)       | Court may set a deadline no earlier than 30 days after note of issue.          |
| Jury demand             | In note of issue, or within 15 days after service of note without jury demand | CPLR § 4102(a)     | Failure usually waives jury trial unless court grants relief.                  |
| Post-trial motion       | Within 15 days after decision, verdict, or jury discharge                     | CPLR 4405          | Preserve JNOV/new trial/weight-of-evidence arguments promptly.                 |
| Notice of appeal        | Generally 30 days after service of notice of entry                            | CPLR 5513          | Immediately evaluate appeal, bond, stay of enforcement, and interest exposure. |

## STAGE 0

# Claim Intake, Limitations, and Pre-Suit Overlays

The first docketing screen: what can defeat the claim before pleadings are served?

| Trigger                                         | Deadline                                                                                                       | What it means                                                                                                                     | Authority                     |
|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| Ordinary negligence personal injury             | 3 years from accrual                                                                                           | Most premises, motor vehicle, Labor Law, and ordinary negligence PI actions use this starting point unless another rule controls. | CPLR § 214(5)                 |
| Medical, dental, podiatric malpractice          | 2 years and 6 months                                                                                           | Runs from act, omission, failure, or last treatment for the same condition; special discovery rules may apply.                    | CPLR § 214-a                  |
| Wrongful death                                  | 2 years from death                                                                                             | Brought by personal representative; evaluate estate appointment and survival claims separately.                                   | EPTL § 5-4.1                  |
| Municipal/public corporation tort claim         | Notice of claim within 90 days after the claim arises                                                          | A condition precedent to many actions against municipalities and public corporations.                                             | GML § 50-e                    |
| Municipal action commencement                   | Generally 1 year + 90 days after event; wrongful death is 2 years from death                                   | A complaint must plead notice of claim, waiting period, and nonpayment/refusal.                                                   | GML § 50-i                    |
| State of New York negligence/unintentional tort | Claim served/filed within 90 days, unless notice of intention served within 90 days; then claim within 2 years | Court of Claims timing is jurisdiction-sensitive and requires precise service/filing compliance.                                  | Court of Claims Act § 10(3)   |
| State intentional tort                          | 90 days, or notice of intention within 90 days and claim within 1 year                                         | Use separate screen for intentional tort allegations.                                                                             | Court of Claims Act § 10(3-b) |
| Latent exposure injury                          | 3 years from the discovery of the injury or when it should have been discovered                                | Accrual may turn on discovery rather than the exposure date.                                                                      | CPLR § 214-c                  |

## Claims adjuster checklist

- Open a limitations screen at first notice: accident date, death date, treatment date, discovery date, defendant type, and estate status.
- Ask early whether a municipal, State, malpractice, Labor Law, toxic exposure, wrongful death, infancy, or disability overlay applies.
- Separate “pre-suit notice” from “suit limitations.” Missing either can change the settlement value or create a dispositive defense.
- Confirm whether the complaint pleads compliance with any notice-of-claim condition precedent.

## Litigator checklist

- Preserve limitations, notice-of-claim, jurisdiction, service, capacity, standing, and condition-precedent defenses in the answer or pre-answer motion.
- Demand notice-of-claim materials, hearing transcripts, municipal investigation materials, and prior claim correspondence.
- For State claims, verify service on the Attorney General, filing with the Court of Claims, and the exact statutory theory.
- Identify whether cross-claims, third-party claims, indemnity, or contractual limitations periods need separate docket entries.

**STAGE 1**

# Commencement, Service, and Time to Answer

The action is filed first; personal jurisdiction depends on timely and proper service.

| Event                                                                | Deadline / rule                                                                                                                    | Practical explanation                                                                               | Authority               |
|----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|-------------------------|
| Commencement                                                         | Action begins by filing summons and complaint, summons with notice, or petition.                                                   | Filing starts the action and triggers the 120-day service period.                                   | CPLR § 304              |
| Service after filing                                                 | Within 120 days after commencement.                                                                                                | If service is late, the plaintiff may need good cause or interest-of-justice extension.             | CPLR § 306-b            |
| Suitable-age/discretion service                                      | Delivery and mailing within 20 days of each other; proof filed within 20 days of later act; service complete 10 days after filing. | Completion date controls the 30-day response period.                                                | CPLR § 308(2)           |
| Nail-and-mail service                                                | Affixing and mailing within 20 days of each other; proof filed within 20 days of later act; service complete 10 days after filing. | Requires due diligence before nail-and-mail service.                                                | CPLR § 308(4)           |
| Mail with acknowledgment                                             | Acknowledgment to be returned within 30 days of receipt; service complete when signed acknowledgment mailed/delivered.             | If a complaint is included, the answer is due 20 days after the acknowledgment is mailed/delivered. | CPLR § 312-a            |
| Appear / answer after personal delivery in NY                        | 20 days after service of summons.                                                                                                  | Appearance may be by answer, notice of appearance, or motion.                                       | CPLR § 320(a)           |
| Appear / answer after specified non-personal or out-of-state service | 30 days after service is complete.                                                                                                 | Often applies to CPLR §§ 308(2), 308(4), 313, 314, and similar service.                             | CPLR §§ 320(a); 3012(c) |
| Summons with notice - demand complaint                               | Demand complaint within appearance time; complaint due 20 days after demand.                                                       | Demand extends the time to appear until 20 days after the complaint is served.                      | CPLR § 3012(b)          |

## Claims-file trap

Do not calculate the answer deadline from the process server's first attempt. Calculate from the legally completed service event. For CPLR §§ 308(2) and 308(4), proof filing plus the 10-day completion period matters.

### Claims adjuster checklist

- Obtain the complaint, affidavits of service, NYSCEF docket, index number, and any extension stipulations.
- Confirm insured's actual receipt date separately from legal service date; both matter for coverage and defense management.
- Ask defense counsel whether service objections, limitation defenses, or a pre-answer motion are being preserved.
- Diary answer date, extension deadline, and a follow-up date several days earlier.

### Litigator checklist

- Evaluate CPLR 3211 defenses immediately: jurisdiction, limitations, documentary evidence, release, collateral estoppel/res judicata, standing/capacity, failure to state a claim.
- Preserve improper service/lack of personal jurisdiction in the first response.
- If moving pre-answer, docket the post-order pleading deadline.
- Coordinate extensions by writing and file/retain stipulations where local practice requires.

## STAGE 2

# Pleadings, Amendments, Defaults, and Bills of Particulars

The pleadings stage defines the theories, defenses, injuries, and damages profile.

| Event                                   | Deadline                                                                                                                          | Purpose / claims significance                                                                             | Authority           |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|---------------------|
| Answer or reply                         | Generally 20 days after service of the pleading to which it responds, unless service-completion rule provides 30 days.            | Frames admissions, denials, affirmative defenses, cross-claims, and counterclaims.                        | CPLR § 3012(a), (c) |
| Amend once without leave                | Within 20 days after service of pleading; before response period expires; or within 20 days after service of responsive pleading. | Early amendments can add theories, injuries, parties, or defenses.                                        | CPLR 3025(a)        |
| Amend by leave or stipulation           | By leave of court or stipulation; leave freely given on just terms.                                                               | Evaluate prejudice, surprise, relation back, additional insured status, and indemnity impact.             | CPLR 3025(b)        |
| Bill of particulars response            | 30 days after demand.                                                                                                             | In PI cases, identifies negligence theories, accident details, injuries, special damages, and permanency. | CPLR 3042           |
| Negligence bill verification            | Verified bill required whether or not pleading is verified.                                                                       | Unverified bill should be followed up promptly.                                                           | CPLR § 3044         |
| Default judgment proceedings            | Plaintiff must take proceedings within 1 year after default unless sufficient cause shown.                                        | Default exposure requires immediate reserve, coverage, and vacatur review.                                | CPLR § 3215(c)      |
| Improper service objection after answer | Can be waived if not moved on within 60 days after serving pleading, absent extension.                                            | Jurisdiction defense must be actively pursued after answer.                                               | CPLR 3211(e)        |

## Key language for adjusters and litigators

- The answer is not paperwork; it is the defense map. Confirm that defenses match the claim facts and coverage position.
- The bill of particulars is the first detailed damages and liability road map. Compare it to medical records, photos, incident reports, and the insured's version.
- Default deadlines are urgent. Once default risk appears, evaluate motion practice, excuse, meritorious defense, and settlement risk immediately.

**STAGE 3**

# Case Management, RJl, and Discovery Track

Court orders become the operative calendar once the case enters active management.

| Event                                        | Deadline / rule                                                                                      | Why it matters                                                            | Authority             |
|----------------------------------------------|------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|-----------------------|
| Request preliminary conference               | Party may request at any time after service of process; if no judge assigned, file RJl with request. | Moves the case into judicial management and creates a discovery schedule. | 22 NYCRR 202.12(a)    |
| Preliminary conference after RJl in DCM case | To be held within 45 days after RJl.                                                                 | Track assignment controls discovery tempo.                                | 22 NYCRR 202.19(b)(1) |
| Discovery track - expedited                  | Discovery completed within 8 months.                                                                 | Use for simpler cases or court-designated expedited track.                | 22 NYCRR 202.19(b)(2) |
| Discovery track - standard                   | Discovery completed within 12 months.                                                                | Common default track for many PI actions.                                 | 22 NYCRR 202.19(b)(2) |
| Discovery track - complex                    | Discovery completed within 15 months.                                                                | More parties, experts, or complicated liability/damages issues.           | 22 NYCRR 202.19(b)(2) |
| Compliance conference                        | No later than 60 days before discovery completion date.                                              | Monitors discovery progress, settlement, and note-of-issue deadline.      | 22 NYCRR 202.19(b)(3) |
| Court scheduling order                       | The court may set a timetable for disclosure completion and other terms.                             | Order controls over informal expectations.                                | 22 NYCRR 202.12(g)    |
| Failure to comply with the schedule          | The court may impose costs or sanctions authorized by law.                                           | Late discovery can affect trial readiness and motion practice.            | 22 NYCRR 202.12(h)    |

## Claims adjuster checklist

- Obtain every conference order and enter each date into the claim system.
- Treat compliance conferences as reserve-review dates, not just court dates.
- Ask counsel which discovery item will most affect liability, damages, settlement value, or summary judgment.
- Confirm whether the order requires mediation, ADR, expert exchange, or dispositive motion sequencing.

## Litigator checklist

- Use the preliminary conference to sequence dispositive issues and avoid unnecessary discovery where threshold defenses may resolve the action.
- Build deadlines backward from the note-of-issue date: depositions, IMEs, subpoenas, expert disclosure, and motions to compel.
- Do not rely on informal adjournments. Stipulations and emails may not alter a court order unless so ordered or permitted by the Part.
- Use compliance conferences to create a clear record of outstanding discovery and prejudice.

**STAGE 4**

# Core Discovery: Documents, Depositions, IME, Experts, and Insurance

The evidence-building phase that drives settlement value and dispositive motion strategy.

| Discovery item                       | Deadline / trigger                                                                                             | Claims-file significance                                                                                   | Authority       |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|-----------------|
| Document/inspection demand           | Demand must specify a reasonable time at least 20 days after service.                                          | Controls records, contracts, photos, videos, inspections, and ESI.                                         | CPLR 3120       |
| Objections to discovery demand       | Generally within 20 days of service for CPLR 3120/3121 demands.                                                | Failure to object can waive objections except privilege/palpably improper issues.                          | CPLR 3122       |
| Oral deposition notice               | At least 20 days before deposition.                                                                            | Use to coordinate insured, employee, witness, corporate, and nonparty testimony.                           | CPLR 3107       |
| IME / physical or mental examination | Notice must specify time, place, manner, conditions, and scope; objection generally within 20 days.            | IME timing affects damages evaluation, settlement authority, and trial readiness.                          | CPLR 3121; 3122 |
| IME report exchange                  | Examining party must deliver report after request; party examined may be required to deliver treating reports. | No IME report, no meaningful damages analysis.                                                             | CPLR 3121       |
| Notice to admit                      | May be served after service is complete; response due within 20 days unless court allows more.                 | Use for authenticity, ownership, photos, treatment dates, and undisputed facts.                            | CPLR § 3123     |
| Expert disclosure                    | Upon request; substance, facts/opinions, qualifications, and grounds must be disclosed.                        | Assess need for liability, biomechanical, medical, vocational, economic, or life-care experts.             | CPLR § 3101(d)  |
| Insurance disclosure                 | No later than 90 days after answer; update at specified case milestones.                                       | Directly affects settlement posture, excess exposure, and claims authority.                                | CPLR § 3101(f)  |
| Supplement discovery response        | Promptly when the prior response becomes materially incorrect or incomplete.                                   | Late medical changes, surgery, lost earnings, surveillance, and policy-limit changes can affect valuation. | CPLR § 3101(h)  |

## Insurance disclosure checkpoint

CPLR § 3101(f) now requires disclosure of policy/limit information and updates at note of issue, court-supervised settlement negotiations, voluntary mediation, trial call, and for 60 days after settlement or entry of final judgment inclusive of appeals.

### Claims adjuster checklist

- Confirm complete policies, limits, erosion, reservations, excess notice, and adjuster contact information.
- Before plaintiff deposition: review accident documents, social media, prior claims, prior injuries, employment records, and photos/video.
- Before IME: make sure the examiner has key records, films, pleadings, bill of particulars, deposition testimony, and surgery chronology.
- After every deposition/IME: update liability, damages, reserve, settlement posture, and dispositive motion viability.

### Litigator checklist

- Create a discovery proof chart: element, fact, document, witness, admission, and motion use.
- Preserve objections promptly and specifically, especially privilege, burden, overbreadth, palpably improper demands, and privacy issues.
- Use notices to admit for clean, trial-useful admissions rather than contested ultimate issues.
- Move to compel or preclude before note of issue whenever outstanding discovery affects trial readiness.

## STAGE 5

# Discovery Disputes, Motions to Compel, Sanctions, and Stays

When the case stops moving, docket both the relief sought and the order needed.

| Motion / event                                     | Timing rule                                                                                                                                                                      | Practical use                                                                             | Authority              |
|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|------------------------|
| Motion to compel disclosure                        | No fixed statutory deadline, but should be made promptly and before note of issue/trial readiness when discovery is needed.                                                      | Use when party fails to respond, produce, appear, or comply with discovery obligations.   | CPLR § 3124            |
| Discovery sanctions / preclusion / strike pleading | After refusal or willful failure to disclose; court may issue sanctions.                                                                                                         | Can support conditional order, preclusion, adverse inference, or striking pleading.       | CPLR § 3126            |
| Motion practice timing                             | Notice of motion at least 8 days before return; opposition 2 days before; if served at least 16 days and demanded, opposition/cross-motion 7 days before and reply 1 day before. | Use part rules and NYSCEF dates carefully; orders to show cause can alter timing.         | CPLR § 2214            |
| Order to show cause                                | Court may set service method and return date.                                                                                                                                    | Use for urgent relief, including stay requests close to trial.                            | CPLR § 2214(d)         |
| Motion to stay proceedings / trial                 | The court where the action is pending may grant a stay in a proper case on just terms.                                                                                           | A motion does not stay trial by itself; obtain an actual stay order before relying on it. | CPLR § 2201            |
| Protective order                                   | No fixed deadline; move promptly when demand is improper, abusive, privileged, burdensome, or seeks protected information.                                                       | Protects insured, carrier, business, medical, privacy, and privileged information.        | CPLR § 3103            |
| Note-of-issue discovery issue                      | Move within 20 days after service of note of issue if case is not trial-ready.                                                                                                   | After 20 days, motion generally requires good cause/unusual circumstances.                | 22 NYCRR 202.21(e),(d) |

## Motion to stay trial: Quick checklist

- Identify the exact relief: stay of trial, stay of all proceedings, stay of discovery, or adjournment of trial. These are not the same thing.
- Use CPLR § 2201 for a stay of proceedings in a proper case; use CPLR 2214 or an order to show cause procedure to get the issue before the court.
- Show the concrete prejudice if trial proceeds: missing discovery, pending dispositive motion, unresolved coverage issue, unavailable essential witness, serious health issue, or appellate stay issue.
- Do not assume that filing a motion stops the trial. The claims file needs an entered stay order or a clear court direction.

## STAGE 6

# Note of Issue, Jury Demand, and Trial Readiness

The note of issue moves the case from discovery into trial posture and triggers critical deadlines.

| Event                                         | Deadline / rule                                                                                                                      | Claims-file meaning                                                                                             | Authority              |
|-----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|------------------------|
| Note of issue/certificate of readiness        | Filed when the case is trial-ready; includes proof of service and certificate.                                                       | Confirms pleadings, bill of particulars, IMEs, medical reports, and discovery are complete/waived/not required. | 22 NYCRR 202.21(a),(b) |
| File the original note of issue after service | Within 10 days after service.                                                                                                        | Calendar fee and filing formalities affect trial calendar placement.                                            | 22 NYCRR 202.21(a)     |
| Motion to vacate the note of issue            | Within 20 days after service of note of issue/certificate of readiness.                                                              | Critical if discovery remains outstanding or the certificate is materially incorrect.                           | 22 NYCRR 202.21(e)     |
| Post-note discovery                           | Allowed on motion only for unusual or unanticipated circumstances requiring additional proceedings to prevent substantial prejudice. | Use sparingly; build a record of why the discovery could not be completed earlier.                              | 22 NYCRR 202.21(d)     |
| Jury demand                                   | In the note of issue, or within 15 days after service of the note without jury demand.                                               | Failure can waive a jury trial unless the court grants relief.                                                  | CPLR § 4102(a)         |
| Additional jury issues                        | If demand specifies only some issues, other party has 10 days to demand jury on other triable issues.                                | Check partial jury demands in mixed issues/counterclaims.                                                       | CPLR § 4102(b)         |
| Trial preference                              | Preference may be available for specified statutory reasons.                                                                         | Can move case ahead of ordinary trial order; affects reserve timing.                                            | CPLR § 3403            |

## Claims adjuster checklist

- Treat note of issue as a reserve-review and settlement-authority event.
- Ask counsel whether discovery is truly complete and whether a 20-day motion to vacate is needed.
- Confirm jury demand status, trial venue, likely trial term, and any preference request.
- Update insurance disclosure and policy-limit information as required.

## Litigator checklist

- Before note of issue, audit: all party depositions, nonparty discovery, IMEs, expert needs, authorizations, subpoenas, and outstanding compliance orders.
- If discovery remains, move within 20 days with a precise affidavit identifying what remains and why the case is not ready.
- After note of issue, calendar summary judgment deadline immediately.
- Prepare a trial-readiness memo for witnesses, exhibits, motions in limine, verdict sheet, jury charge, and settlement posture.

## STAGE 7

# Dispositive Motions

Summary judgment and dismissal deadlines can decide the claim before trial.

| Motion / event                        | Deadline / rule                                                                                              | Claims-file purpose                                                                                                        | Authority        |
|---------------------------------------|--------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|------------------|
| Pre-answer motion to dismiss          | Before responsive pleading is required.                                                                      | Can resolve jurisdiction, limitations, documentary evidence, release, collateral estoppel, or pleading sufficiency issues. | CPLR 3211        |
| One-motion rule / waiver issues       | Certain CPLR 3211 defenses must be raised in the first motion or responsive pleading.                        | Avoid waiver and preserve jurisdiction/service objections.                                                                 | CPLR 3211(e)     |
| Summary judgment - earliest point     | After issue is joined.                                                                                       | Cannot move before pleadings frame the issues.                                                                             | CPLR 3212(a)     |
| Summary judgment - court-set deadline | Court may set a deadline no earlier than 30 days after note of issue.                                        | Part rules or orders often shorten the 120-day default period.                                                             | CPLR 3212(a)     |
| Summary judgment - default deadline   | If no court date is set, no later than 120 days after filing note of issue, except with leave on good cause. | Late motion risk is severe; calendar immediately upon note of issue filing.                                                | CPLR 3212(a)     |
| Statement of material facts           | Often required on summary judgment; each asserted fact needs citation to evidence.                           | Useful for claim valuation and appellate record.                                                                           | 22 NYCRR 202.8-g |
| Expert affidavit on summary judgment  | Court shall not decline to consider expert affidavit solely because prior expert exchange was not furnished. | Can preserve medical/engineering/accident reconstruction proof for motion.                                                 | CPLR 3212(b)     |

## Claims adjuster checklist

- Ask counsel for a motion recommendation before note of issue, not after the deadline is running.
- Identify the motion theory in claims language: no defect, no notice, no duty, no causation, trivial defect, storm in progress, sole proximate cause, serious injury, limitations, release, or jurisdiction.
- Budget for transcript, expert, affidavit, and exhibit costs in time to meet deadline.
- After decision, docket notice of entry, appeal deadline, reargument/renewal issues, and settlement impact.

## Litigator checklist

- Build motion proof during discovery: admissions, photos, contracts, deposition concessions, affidavits, expert proof, and business records foundation.
- Check assigned-judge rules for page limits, word limits, statements of material fact, working copies, oral argument, and filing deadlines.
- Avoid late motions unless you can show good cause for the delay.
- Preserve appealable issues through clear record citations and proposed order language where appropriate.

**STAGE 8**

# Trial Phase

Once the case is trial-ready, deadlines become court-driven and preparation-driven.

| Trial item                                                       | Timing / trigger                                                                                        | Claims-file significance                                                                                             | Authority / source       |
|------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|--------------------------|
| Pretrial conference under Differentiated Case Management (“DCM”) | Held within 180 days of note of issue filing in DCM cases.                                              | Court narrows issues, explores settlement, and sets trial path.                                                      | 22 NYCRR 202.19(c)(1)    |
| Trial date after pretrial conference                             | Court fixes trial date no later than 8 weeks after pretrial conference in DCM cases.                    | Claims file needs witness, settlement, and authority decisions before trial call.                                    | 22 NYCRR 202.19(c)(2)    |
| Motions in limine                                                | Set by court/part rules or pretrial order.                                                              | Controls evidentiary exposure, damages proof, experts, collateral sources, photos/videos, and prior claims/injuries. | Court order / part rules |
| Trial subpoenas                                                  | Serve with enough time for compliance and witness logistics; comply with statutory subpoena rules.      | Needed for records, witnesses, treating providers, and corporate/nonparty proof.                                     | CPLR Article 23          |
| Expert trial issues                                              | Expert disclosure must be available upon request; late-retained expert handled by court for just order. | Trial exclusion risk can change verdict exposure.                                                                    | CPLR § 3101(d)           |
| Supplemental disclosure before trial                             | Promptly supplement when prior response becomes materially incorrect/incomplete.                        | Late surgery, updated bills, surveillance, liens, or settlement-position changes matter.                             | CPLR § 3101(h)           |
| Motion to stay trial                                             | By noticed motion or order to show cause; no automatic stay unless court grants one.                    | Use only with specific prejudice and a concrete proposed order.                                                      | CPLR 2201; 2214          |

## Trial phase checklist

- Claims adjuster: confirm trial authority, high-low authority, excess notice, coverage position, lien status, insured consent issues, and who must attend trial.
- Litigator: prepare witness order, exhibit list, objections, motions in limine, verdict sheet, jury charge, deposition designations, subpoena plan, and appellate-preservation points.
- Before any request to stay trial, identify the precise legal basis, the prejudice, the missing event, the proposed length of stay, and whether an order to show cause is needed.

## STAGE 9

# Post-Trial Motions, Judgment, and Settlement Payment

The verdict does not end the claims-file calendar.

| Event / motion                                        | Deadline / rule                                                                                                                          | Claims-file purpose                                                                                                          | Authority          |
|-------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|--------------------|
| CPLR 4404 post-trial motion                           | May seek judgment as a matter of law, new trial, set aside verdict/judgment, weight-of-evidence, interest-of-justice, or nonjury relief. | Preserves attack on verdict and can reduce or eliminate judgment exposure.                                                   | CPLR 4404          |
| Time for CPLR article 44 post-trial motion            | Within 15 days after decision, verdict, or discharge of jury; before judge who presided.                                                 | Short deadline; trial counsel must prepare immediately.                                                                      | CPLR 4405          |
| Single post-trial motion concept                      | Post-trial relief should be consolidated where appropriate.                                                                              | Avoid piecemeal post-trial strategy.                                                                                         | CPLR 4406          |
| Judgment and notice of entry                          | Notice of entry starts many deadlines, including appeal timing.                                                                          | Claims file must record who served notice of entry, when, and by what method.                                                | CPLR 2220; 5513    |
| Relief from judgment/order                            | Excusable default generally within 1 year after service of judgment/order with notice of entry; other grounds vary.                      | Use for default, newly discovered evidence, fraud, lack of jurisdiction, reversal/modification, or other recognized grounds. | CPLR 5015          |
| Prompt settlement payment - ordinary defendant        | 21 days after tender of duly executed release and stipulation of discontinuance.                                                         | Late payment can create judgment, interest, costs, and avoidable friction.                                                   | CPLR 5003-a(a),(e) |
| Prompt settlement payment - municipal defendant       | 90 days after tender of duly executed release and stipulation of discontinuance.                                                         | Municipal processing affects claim closure and diary dates.                                                                  | CPLR 5003-a(b)     |
| Prompt settlement payment - State / State-indemnified | 90 days after comptroller determines papers are complete.                                                                                | State settlements require special processing and follow-up.                                                                  | CPLR 5003-a(c)     |

### Claims adjuster checklist

- Obtain immediate verdict report: liability split, damages categories, interest, costs, setoffs, collateral source issues, structured judgment issues, and settlement demand.
- Docket 15-day post-trial motion deadline and 30-day appeal deadline after notice of entry.
- Evaluate post-trial motion, settlement, appeal, stay/bond, and excess exposure at the same time.
- If settling, docket statutory payment deadline from receipt of complete papers, not from oral settlement.

### Litigator checklist

- Make trial motions and objections with appellate preservation in mind.
- Order transcript portions quickly if needed for post-trial motion or appeal.
- Identify whether CPLR 4404 issues should be joined with or precede appeal strategy.
- Prepare proposed judgment/order and notice-of-entry tracking plan.

## STAGE 10

# Appeal Phase and Stay of Execution Checklist

A judgment can be appealed, but enforcement may continue unless a stay applies or is obtained.

| Appeal / stay item                                 | Deadline / rule                                                                                                                                                   | Claims-file significance                                               | Authority         |
|----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|-------------------|
| Take appeal                                        | Serve notice of appeal on adverse party and file it where judgment/order was entered.                                                                             | Appeal is procedural; ensure service and filing are both completed.    | CPLR § 5515       |
| Notice of appeal deadline                          | Generally 30 days after service of judgment/order with notice of entry.                                                                                           | Calendar immediately; method of service can affect computation.        | CPLR 5513         |
| Motion for permission to appeal                    | Noticed for motion day at least 8 and not more than 15 days after notice served, unless no motion day during that period.                                         | Use for nonappealable orders or where permission is required.          | CPLR 5516         |
| Automatic stay - State/political subdivision       | Notice of appeal can stay enforcement when appellant is State, political subdivision, or qualifying officer/agency.                                               | Public-entity cases require separate stay analysis.                    | CPLR § 5519(a)(1) |
| Money judgment undertaking                         | Stay without court order where notice of appeal served and undertaking in sum directed is given.                                                                  | Usually requires bond/undertaking planning immediately after judgment. | CPLR § 5519(a)(2) |
| Insurer-defended action                            | Insurer can stay enforcement to policy coverage extent by filing sworn statement and undertaking, serving creditor, and notifying insured.                        | Central for excess-verdict and policy-limit cases.                     | CPLR § 5519(b)    |
| Court-ordered stay                                 | Court appealed from, appellate court, or court of original instance may stay enforcement in cases not covered by automatic stay or may limit/vacate/modify stays. | Use when automatic stay is unavailable, incomplete, or disputed.       | CPLR § 5519(c)    |
| Continuation after affirmance/modification         | Stay generally continues for 5 days after service of appellate order with notice of entry; additional appeal/motion may extend.                                   | Critical after appellate decision to prevent enforcement gap.          | CPLR § 5519(e)    |
| Medical/dental/podiatric malpractice high judgment | Special stay mechanism for judgment over \$1 million with specified undertaking and reasonable probability finding.                                               | Important in med-mal excess verdicts.                                  | CPLR § 5519(g)    |

## **Stay execution of judgment: adjuster/litigator checklist**

- Do not assume an appeal stays enforcement. Identify the stay category: automatic public-entity stay, money judgment undertaking, insurer-defended stay, or discretionary court-ordered stay.
- For a money judgment, determine the judgment amount, interest, costs, policy limits, excess exposure, bond/undertaking availability, and who will pay for the bond.
- For insurer-defended cases, evaluate CPLR 5519(b): sworn statement, policy description, coverage amount, undertaking to policy limits plus interest/costs, service on judgment creditor, and notice to insured.
- Coordinate appeal deadline and stay deadline together. The notice of appeal and stay papers should be planned before enforcement activity begins.
- If only part of the judgment is stayed, identify the unstayed balance and the insured/excess-carrier exposure.

# One-Page Adjuster Docketing Checklist

Use this when opening, reassessing, transferring, or auditing a New York civil PI claim.

| Stage                       | Docket these items                                                                                                                                 |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| Intake / limitations        | Accident date; notice date; public entity/State?; med-mal?; wrongful death?; infancy/disability?; limitation date; notice-of-claim date.           |
| Coverage / tender           | Policy period; limits; erosion; excess notice; additional insured tenders; reservations; late notice; indemnity/defense tenders.                   |
| Commencement / service      | Filing date; service method; proof of service; service completion date; answer/appearance deadline; jurisdiction objections.                       |
| Pleadings                   | Answer date; affirmative defenses; cross-claims; amended pleadings; bill of particulars demand/response/deficiency letters.                        |
| Case management             | RJI date; PC date/order; DCM track; compliance conference; discovery cutoff; note-of-issue deadline; part rules.                                   |
| Discovery                   | Authorizations; records; incident materials; photos/video; contracts; witness statements; depositions; subpoenas; ESI; surveillance.               |
| Medical / damages           | IME date/report; surgery updates; treating records; permanency; wage loss; liens; collateral sources; life-care/economic reports.                  |
| Trial readiness             | Note of issue; 20-day vacate deadline; jury demand; outstanding discovery; expert exchange; trial preference; pretrial submissions.                |
| Dispositive motions         | 3211/3212 viability; summary judgment deadline; material facts statement; expert affidavits; opposition/reply dates; notice of entry.              |
| Trial / post-trial / appeal | Trial date; stay request; verdict; post-trial motion deadline; judgment; notice of entry; appeal deadline; stay/bond; settlement payment deadline. |

# Primary Authority and Rule Backup

Use these official sources to verify the deadlines before relying on the guide.

## Verification note

The guide relies primarily on New York State Senate statutory pages and New York State Unified Court System rule pages. For the web version, link each authority and include a visible “current through” date.

| Authority  | Deadline topic                                         | Official/source link                                                                                                  |
|------------|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| CPLR 214   | Three-year personal-injury limitations period          | <a href="https://www.nysenate.gov/legislation/laws/CVP/214">https://www.nysenate.gov/legislation/laws/CVP/214</a>     |
| CPLR 214-a | Medical, dental, and podiatric malpractice limitations | <a href="https://www.nysenate.gov/legislation/laws/CVP/214-A">https://www.nysenate.gov/legislation/laws/CVP/214-A</a> |
| CPLR 214-c | Latent exposure discovery rule                         | <a href="https://www.nysenate.gov/legislation/laws/CVP/214-C">https://www.nysenate.gov/legislation/laws/CVP/214-C</a> |
| CPLR 304   | Commencement by filing                                 | <a href="https://www.nysenate.gov/legislation/laws/CVP/304">https://www.nysenate.gov/legislation/laws/CVP/304</a>     |
| CPLR 306-b | 120-day service after commencement                     | <a href="https://www.nysenate.gov/legislation/laws/CVP/306-B">https://www.nysenate.gov/legislation/laws/CVP/306-B</a> |
| CPLR 308   | Methods of personal service on individuals             | <a href="https://www.nysenate.gov/legislation/laws/CVP/308">https://www.nysenate.gov/legislation/laws/CVP/308</a>     |
| CPLR 312-a | Personal service by mail with acknowledgment           | <a href="https://www.nysenate.gov/legislation/laws/CVP/312-A">https://www.nysenate.gov/legislation/laws/CVP/312-A</a> |
| CPLR 320   | Appearance timing                                      | <a href="https://www.nysenate.gov/legislation/laws/CVP/320">https://www.nysenate.gov/legislation/laws/CVP/320</a>     |
| CPLR 3012  | Service of pleadings and complaint after demand        | <a href="https://www.nysenate.gov/legislation/laws/CVP/3012">https://www.nysenate.gov/legislation/laws/CVP/3012</a>   |
| CPLR 3025  | Amended and supplemental pleadings                     | <a href="https://www.nysenate.gov/legislation/laws/CVP/3025">https://www.nysenate.gov/legislation/laws/CVP/3025</a>   |

# Primary Authority and Rule Backup

Official links continued.

| Authority               | Deadline topic                                             | Official/source link                                                                                                |
|-------------------------|------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| CPLR 3042-3043, § 3044  | Bills of particulars and verification                      | <a href="https://www.nysenate.gov/legislation/laws/CVP/3042">https://www.nysenate.gov/legislation/laws/CVP/3042</a> |
| CPLR § 3101             | Disclosure, insurance disclosure, experts, supplementation | <a href="https://www.nysenate.gov/legislation/laws/CVP/3101">https://www.nysenate.gov/legislation/laws/CVP/3101</a> |
| CPLR 3107               | 20-day deposition notice                                   | <a href="https://www.nysenate.gov/legislation/laws/CVP/3107">https://www.nysenate.gov/legislation/laws/CVP/3107</a> |
| CPLR 3120, § 3121, 3123 | Documents/inspection, IME, objections, notices to admit    | <a href="https://www.nysenate.gov/legislation/laws/CVP/3120">https://www.nysenate.gov/legislation/laws/CVP/3120</a> |
| CPLR 3124 -3215, § 3126 | Motions to compel and discovery sanctions                  | <a href="https://www.nysenate.gov/legislation/laws/CVP/3124">https://www.nysenate.gov/legislation/laws/CVP/3124</a> |
| CPLR 3211 / 3212        | Dismissal and summary judgment motions                     | <a href="https://www.nysenate.gov/legislation/laws/CVP/3212">https://www.nysenate.gov/legislation/laws/CVP/3212</a> |
| CPLR 3402 / 3403        | Note of issue and trial preferences                        | <a href="https://www.nysenate.gov/legislation/laws/CVP/3402">https://www.nysenate.gov/legislation/laws/CVP/3402</a> |
| CPLR § 4102             | Jury demand and waiver                                     | <a href="https://www.nysenate.gov/legislation/laws/CVP/4102">https://www.nysenate.gov/legislation/laws/CVP/4102</a> |
| CPLR 2201               | Stay of proceedings, including trial stay request          | <a href="https://www.nysenate.gov/legislation/laws/CVP/2201">https://www.nysenate.gov/legislation/laws/CVP/2201</a> |
| CPLR 2214               | Motion papers, notice, opposition, reply, OSC              | <a href="https://www.nysenate.gov/legislation/laws/CVP/2214">https://www.nysenate.gov/legislation/laws/CVP/2214</a> |

# Primary Authority and Rule Backup

Official links continued.

| Authority                             | Deadline topic                                             | Official/source link                                                                                                                                                                                |
|---------------------------------------|------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CPLR 4404 / 4405                      | Post-trial motion for judgment/new trial; 15-day timing    | <a href="https://www.nysenate.gov/legislation/laws/CVP/4405">https://www.nysenate.gov/legislation/laws/CVP/4405</a>                                                                                 |
| CPLR § 5003-a                         | Prompt payment after settlement                            | <a href="https://www.nysenate.gov/legislation/laws/CVP/5003-A">https://www.nysenate.gov/legislation/laws/CVP/5003-A</a>                                                                             |
| CPLR 5015                             | Relief from judgment or order                              | <a href="https://www.nysenate.gov/legislation/laws/CVP/5015">https://www.nysenate.gov/legislation/laws/CVP/5015</a>                                                                                 |
| CPLR § 5513 / § 5515 / § 5519         | Notice of appeal and stay of enforcement                   | <a href="https://www.nysenate.gov/legislation/laws/CVP/5519">https://www.nysenate.gov/legislation/laws/CVP/5519</a>                                                                                 |
| General Municipal Law § 50-e / § 50-i | Notice of claim and municipal action timing                | <a href="https://www.nysenate.gov/legislation/laws/GMU/50-E">https://www.nysenate.gov/legislation/laws/GMU/50-E</a>                                                                                 |
| EPTL § 5-4.1                          | Wrongful death timing                                      | <a href="https://www.nysenate.gov/legislation/laws/EPT/5-4.1">https://www.nysenate.gov/legislation/laws/EPT/5-4.1</a>                                                                               |
| Court of Claims Act 10                | State claim and notice-of-intention timing                 | <a href="https://www.nysenate.gov/legislation/laws/CTC/10">https://www.nysenate.gov/legislation/laws/CTC/10</a>                                                                                     |
| 22 NYCRR 202.12                       | Preliminary conference and discovery scheduling            | <a href="https://www.nycourts.gov/rules/rule/section-20212-preliminary-conference">https://www.nycourts.gov/rules/rule/section-20212-preliminary-conference</a>                                     |
| 22 NYCRR 202.19                       | Differentiated case management tracks; pretrial conference | <a href="https://www.nycourts.gov/rules/part-202-uniform-civil-rules-supreme-court-and-county-court">https://www.nycourts.gov/rules/part-202-uniform-civil-rules-supreme-court-and-county-court</a> |
| 22 NYCRR 202.21                       | Note of issue and certificate of readiness                 | <a href="https://www.nycourts.gov/rules/rule/section-20221-note-issue-and-certificate-readiness">https://www.nycourts.gov/rules/rule/section-20221-note-issue-and-certificate-readiness</a>         |
| 22 NYCRR 202.8-g                      | Summary judgment statement of material facts               | <a href="https://www.nycourts.gov/rules/part-202-uniform-civil-rules-supreme-court-and-county-court">https://www.nycourts.gov/rules/part-202-uniform-civil-rules-supreme-court-and-county-court</a> |

## WHEN TO HIRE MATTHEW LERNER

Claims professionals should consider involving [Matthew Lerner](#) when a New York civil litigation file turns on procedure, preservation, motion practice, appeal risk, or the need for a clear litigation strategy before the record is locked in. Many high-exposure cases are not won or lost only on the facts. They are won or lost on whether the right procedural decisions were made at the right time, whether arguments were preserved, whether the record was properly developed, and whether the case was positioned for dispositive motion practice, trial, or appeal.

Matthew brings extensive knowledge of New York civil procedure, with experience in appellate practice before the Appellate Division and the New York Court of Appeals. That experience allows him to evaluate a file not only as a trial lawyer, but also as an appellate lawyer who understands how issues will be reviewed after verdict, after summary judgment, or after a significant motion ruling. He can identify procedural opportunities, preservation problems, waiver risks, jurisdictional issues, appealability questions, and record defects before they become irreversible.

He is especially useful in matters involving complex CPLR issues, high-risk motion practice, post-trial motions, stays, appellate deadlines, verdict exposure, unusual procedural posture, dispositive motions, preservation of legal arguments, and cases where a claims professional needs a second-level review of whether the defense is procedurally protected. His role is not merely to cite rules. It is to translate New York procedure into practical litigation decisions that help insurers, adjusters, and defense counsel protect the record, reduce avoidable risk, and position the case for the best available outcome.

In short, when the procedural path of a case matters as much as the liability facts, [Matthew Lerner](#) should be involved.

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