

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTIES OF BRONX, KINGS, NEW YORK, QUEENS AND RICHMOND

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In re: CHILD VICTIMS ACT LITIGATION

EXHIBIT D to CASE MANAGEMENT  
ORDER No. 2, Sec. IX.C.4

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**STANDARD COMBINED DEMANDS  
DIRECTED AT PLAINTIFFS**

**PLEASE TAKE NOTICE**, that each Defendant, pursuant to Articles 21, 31, and 45 of the Civil Practice Law and Rules and Case Management Order No. 2 (“CMO”), hereby make the following discovery demands upon Plaintiffs. The following demands are returnable separately by each individual Plaintiff to the offices of the said attorneys within the time period specified by the CMO.

**DEMAND TO PRODUCE NAMES AND ADDRESSES  
OF ALL WITNESSES AND EYEWITNESSES**

PLEASE TAKE NOTICE, that pursuant to Article 31 of the Civil Practice Law and Rules, to the extent not previously provided and other than those identified in response to the Automatic Disclosures by Plaintiff, each Plaintiff is required to serve upon and deliver to the undersigned, the following:

1. The name and address of each witness to the following:
  - (a) Any allegations in the Complaint or Bill of Particulars;
  - (b) Any acts, omissions or conditions alleged by Plaintiff(s) to have caused or contributed to the incident(s) alleged in the Complaint or Bill of Particulars; and
  - (c) Any injuries alleged to have resulted from the incident(s) alleged in the Complaint or Bill of Particulars.
2. The name and last known address of the persons who resided with Plaintiff from Plaintiff’s birth through Plaintiff’s 21st birthday, including at the time of the alleged abuse, and persons who reside with Plaintiff presently, and the relationship of each identified person to Plaintiff.

3. The name(s) and last known address(es) of any person(s) who provided an oral or written statement about the incident(s) alleged in the Complaint or Bill of Particulars;
4. If you are unable to provide any of the above information, please provide a description reasonably sufficient to identify each person Plaintiff believes may have been a witness, including all individuals, even if employed by any of the named Defendants.

**DEMAND FOR DISCOVERY AND INSPECTION OF  
INCIDENT REPORTS & STATEMENTS**

PLEASE TAKE NOTICE, that pursuant to Article 31 of the Civil Procedure Law and Rules, each Plaintiff is required to produce and permit discovery of the following documents, statements and things for inspection:

1. Copies of all transcripts of oral statements and/or written statements provided by the individuals identified in response to paragraph 3 of the preceding Demand for Witnesses in the possession, custody, or control of each Plaintiff;
2. All writings and/or documents, whether electronic or paper or otherwise, including, but not limited to incident reports, correspondence, diary or journal entries, notes, blog entries/posts, status updates, and demands and responses to demands made pursuant to 5 U.S.C. § 552 and/or NYS Public Officers Law § 84 et seq., made by or on behalf of Plaintiff or received by Plaintiff and in Plaintiff's possession, custody, or control that relate to the alleged abuser, any of the named Defendants, and/or claims and damages alleged in the Complaint and Bill of Particulars, or which constitute statements against interest or party statements;
3. With respect to any statements made by each Defendant, its agents, servants or employees, which were not reduced to writing, state the names and addresses of each individual who spoke, discussed or otherwise communicated with Defendant, its agents, servants or employees, together with any notes or memoranda made by such individuals with respect to each such conversation, discussion or review. If no such statements are in the possession, custody, or control of Plaintiff or anyone acting on Plaintiff's behalf, so state in reply to this demand; and
4. Copies of all transcripts of testimony concerning the alleged abuse and/or alleged acts or omissions of each Defendant including, but not limited to, any examinations under oath, departmental hearings, administrative and/or judicial hearings and proceedings, and criminal proceedings.

**DEMAND FOR DISCOVERY AND INSPECTION OF  
EMPLOYMENT RECORDS**

PLEASE TAKE NOTICE, that pursuant to Article 31 of the Civil Procedure Law and Rules, and to the extent not previously provided, each Plaintiff is required to provide the following:

1. Copies of all of Plaintiff's employment records, including but not limited to pre- and post-employment psychological evaluations and/or examinations, personnel files, human resources files, performance and/or evaluation files, earnings files, benefits files, disciplinary files related to Plaintiff's entire employment history, in Plaintiff's possession, custody, or control.
2. For all employers (including Plaintiff's current employers) since the date of alleged abuse, fully executed authorizations allowing Defendants to obtain Plaintiff's employment records, including without limitation file(s), personnel file(s), human resources file(s), performance file(s), benefits file(s), and disciplinary file(s). Defendants will make best efforts not to disclose the caption of the subject litigation or the fact that plaintiff is a party to litigation in the authorization for records and the initial request for such records based on that authorization. However, if such authorizations are insufficient to obtain the records sought in this and any subsequent demands, defendants reserve their rights and will not be precluded from issuing subpoenas or filing motions for the production of documents from third-parties pursuant to the CPLR and existing case law.

**DEMAND FOR DISCOVERY AND INSPECTION OF  
TAX INFORMATION**

PLEASE TAKE NOTICE, that pursuant to Article 31 of the Civil Procedure Law and Rules, in the event that Plaintiff is claiming past and/or future loss of earnings or loss or impairment of earnings potential or capacity, Plaintiff is required to provide on behalf of each Plaintiff the following:

1. To the extent Plaintiff is self-employed, copies of the local, state and federal income tax returns filed by Plaintiff and all corresponding wage and tax statements and other earnings statements (including but not limited to W-2, 1099-MISC, 1099-DIV, 1099-G, 1099-R, 1099-C, et seq.) for each year wherein Plaintiff claims (a) a loss of earnings and/or (b) a loss or impairment of earnings potential or capacity, to the present and five years prior to the first year in which such loss is claimed in response to section V of the Common Demand for a Verified Bill of Particulars.
2. To the extent Plaintiff is self-employed, duly executed written authorizations, containing all information necessary to process such authorizations, directed to the New York State Department of Taxation and Finance (or equivalent agency for any State where Plaintiff has resided) and the Internal Revenue Service, to obtain

complete copies of Plaintiff's annual state and federal personal income tax returns for each year for which Plaintiff claims (a) a loss of earnings and/or (b) a loss or impairment of earnings potential or capacity, to the present and five years prior to the first year in which such loss is claimed in response to section V of the Common Demand for a Verified Bill of Particulars.

**DEMAND TO PRODUCE PHOTOGRAPHS  
FILM/VIDEO/DIGITAL MEDIA, AND AUDIOTAPES**

PLEASE TAKE NOTICE, that pursuant to Article 31 of the Civil Procedure Law and Rules, demand is hereby made upon each Plaintiff to produce, the following:

1. All photographs, film/video/digital media, audiotapes, or any other type of recordable media, including transcripts or memoranda thereof, in the possession, custody, or control of each Plaintiff or their representatives recording or reflecting:
  - a. any of the injuries alleged in the Complaint or Bill of Particulars;
  - b. the location(s) where it is claimed the sexual abuse as alleged in the Complaint or Bill of Particulars occurred;
  - c. the alleged acts or omissions of each named Defendant;
  - d. the alleged abuse;
  - e. the alleged perpetrator(s) of the alleged abuse as identified by Plaintiff in the Complaint or Bill of Particulars.
2. The (a) name(s) and address(es) of the person(s) who took the photographs and/or film/video/digital media and/or audiotapes and/or any other type of recordable media and (b) the date each such photographs and/or film/video/digital media and/or audiotapes and/or any other type of recordable media was/were taken or made.

PLEASE TAKE FURTHER NOTICE that all photographs and/or film/video/digital media and/or audiotapes and/or any other type of recordable media must be preserved.

**DEMAND FOR MEDICAL INFORMATION**

ALL MEDICAL AUTHORIZATIONS PROVIDED IN RESPONSE TO THIS DEMAND MUST BE HIPAA COMPLIANT, AND MUST PERMIT *COUNSEL FOR DEFENDANT(S) AND/OR ITS(THEIR) AGENTS, SERVANTS OR EMPLOYEES* TO DISCUSS OR COMMUNICATE ABOUT EACH PLAINTIFF'S MEDICAL CONDITION WITH ALL HEALTHCARE PROVIDERS IN ACCORDANCE WITH ARONS v. JUTKOWITZ, 9 N.Y.3d 393, 850 N.Y.S.2d 345 (2007). IF THE AUTHORIZATION RESTRICTS THAT ENTITLEMENT, DEFENDANT(S) WILL REJECT THE AUTHORIZATION.

ALL AUTHORIZATIONS PROVIDED IN RESPONSE TO THIS DEMAND MUST HAVE SECTIONS 9(A) AND 9(B) OF OCA OFFICIAL FORM NO. 960, AND ANY COMMENSURATE SECTIONS OF INSTITUTIONAL SPECIFIC AUTHORIZATIONS, COMPLETED IN ORDER TO PERMIT RELEASE OF RECORDS TO THE UNDERSIGNED ATTORNEYS.

ALL AUTHORIZATIONS PROVIDED IN RESPONSE TO THIS DEMAND MUST INCLUDE THE FULL NAME, ADDRESS, PATIENT NUMBER, DATE OF BIRTH, SOCIAL SECURITY NUMBER, MEDICARE BENEFICIARY IDENTIFIER, AND MEDICARE BENEFICIARY NUMBER, AND OTHER PROVIDER IDENTIFICATION INFORMATION, IN ORDER TO PERMIT RELEASE OF RECORDS TO THE UNDERSIGNED ATTORNEYS.

PLEASE TAKE NOTICE that pursuant to Article 31 of the Civil Procedure Law and Rules and 22 NYCRR 202.17 of the Uniform Civil Rules for the Supreme Court, and to the extent not previously provided, each Plaintiff is required to produce the following:

1. Copies of all medical reports, memoranda, documents, communications, assessments, and/or analyses, including expert reports, in Plaintiff's possession, custody, or control, received from healthcare providers, including mental health providers, identified in response to Items 1, 2, and 3 of the Plaintiffs' Automatic Disclosures and in response to section IV of the Common Demand for a Verified Bill of Particulars. The medical reports of these healthcare providers shall be in the form described in 22 NYCRR 202.17.
2. Duly executed and acknowledged HIPAA-compliant written authorizations to allow each Defendant to obtain complete pharmacy or drug store records with respect to any drugs prescribed for Plaintiff starting five years prior to the alleged incident(s) described in the Complaint or Bill of Particulars to the present date.
3. Duly executed and acknowledged HIPAA-compliant written authorizations to allow each Defendant to obtain complete medical records pertaining to any medical treatment rendered to Plaintiff, including psychological treatment, starting five years prior to the alleged incident(s) described in the Complaint or Bill of particulars to the present date.

4. Identify and produce any documents, including questionnaires, reports or evaluations submitted or completed concerning Plaintiff's mental health or fitness for any purpose, including licensure qualification, membership, or benefit of any kind.

PLEASE TAKE FURTHER NOTICE, that with respect to all authorizations for medical/hospital/healthcare/psychological records, the authorizations must be HIPAA-compliant.

#### **DEMAND FOR EXPERT WITNESS DISCLOSURE**

PLEASE TAKE NOTICE, that pursuant to Article 31 of the Civil Practice Law and Rules, demand is hereby made upon each Plaintiff to set forth the following:

1. The name and address of each and every person Plaintiff expects to call as an expert witness at the trial of this action.
2. In detail, the subject matter on which each expert is expected to testify.
3. The substance of the facts and opinions on which each expert is expected to testify.
4. The qualifications of each expert witness, including a curriculum vitae.
5. A summary of the grounds for each expert's opinion.

#### **DEMAND FOR COLLATERAL SOURCE PAYMENTS & PUBLIC PROGRAM PARTICIPATION INFORMATION**

PLEASE TAKE NOTICE, that pursuant to Articles 31 and 45 of the Civil Practice Law and Rules, and to the extent not previously provided, demand is hereby made upon each Plaintiff to produce the following:

1. Where reimbursement was or is or will be received by Plaintiff and/or Plaintiff's spouse, domestic partner, or parent/guardian pursuant to either a private insurance policy or a federal, state, or local government program for the cost of medical care, mental health care, custodial care, rehabilitation services, loss of earnings or other economic loss, and any other costs related to the allegations contained in the Complaint or Bill of Particulars, identify:
  - a. the name and address of the policy and/or program holder,
  - b. the name and address of the policy and/or program issuer,
  - c. the policy and/or program number,
  - d. the policy and/or program term,

- e. the claim number and/or personal identification number assigned by the insurer and/or issuer to Plaintiff and/or Plaintiff's spouse, domestic partner, or parent/guardian's claim for reimbursement,
  - f. the date Plaintiff and/or Plaintiff's spouse, domestic partner, or parent/guardian filed a claim with the policy and/or program holder and/or issuer,
  - g. the date of any payment or reimbursement was or is expected to be issued,
  - h. the name and address of the payor (if different from the policy and/or program holder or issuer), and
  - i. the amount of any payment or reimbursement that has been received by Plaintiff and/or Plaintiff's spouse, domestic partner, or parent/guardian.
2. For each payor of any payments identified in response to paragraph 1 of this section, duly executed and acknowledged HIPAA-compliant written authorizations to allow each Defendant to obtain complete records from the following: health insurance providers, automobile insurance providers, Social Security disability benefits providers, private disability insurance benefits providers, workers' compensation benefits providers, Medicare, and Medicaid, and any other person, firm or organization that has paid or reimbursed Plaintiff and/or Plaintiff's spouse, domestic partner, or parent/guardian for the cost of Plaintiff's medical care, mental health care, custodial care, or rehabilitation services.
  3. Copies of each of the insurance policies or programs, records, and/or claim documents, including but not limited to, related applications and eligibility documents and correspondence with the provider, identified in response to paragraph 1 of this section in Plaintiff's possession, custody, or control.

PLEASE TAKE FURTHER NOTICE, authorizations for any private insurance or government program documents and policy(ies) provided in response to the demand herein shall be for the complete documents and policy(ies) including but not limited to declaration sheets, riders, limitations, endorsements amendments, cancellations, face sheets and/or binders, etc.

**DEMAND FOR DISCLOSURE OF  
MEDICARE BENEFITS & ELIGIBILITY**

PLEASE TAKE NOTICE, that pursuant to 42 U.S.C. §1395y(b)(8)(A) and Article 31 of the Civil Practice Law and Rules, demand is hereby made upon each Plaintiff to produce for discovery, reproduction, and inspection the following items:

1. If Plaintiff has or is currently receiving Medicare benefits, please provide the following:
  - a. The full name under which Plaintiff was/is receiving Medicare benefits;

- b. Plaintiff's full address, including city, state and zip code;
  - c. Plaintiff's date of birth;
  - d. Plaintiff's Social Security Number;
  - e. Plaintiff's gender;
  - f. Plaintiff's Medicare Beneficiary Identifier (MBI); and
  - g. Plaintiff's Medicare beneficiary number (HICN).
2. If Plaintiff has not received Medicare benefits in the past or is not receiving Medicare benefits now, state whether Plaintiff is eligible to receive Medicare benefits.
3. If Plaintiff is pursuing claims on behalf of a decedent, please provide the following:
  - a. Relationship of Plaintiff to the decedent;
  - b. Copies of all papers permitting Plaintiff to bring claims on behalf of the decedent, including but not limited to letters testamentary and/or letters of administration; and
  - c. Name and address of the administrator or executor of the decedent's estate.
4. Copies of all Medicare records, including but not limited to eligibility notices, payments, and lien notices.

**DEMAND FOR DISCOVERY AND INSPECTION  
OF PERSONAL INJURY CLAIMS**

PLEASE TAKE NOTICE, that pursuant to Article 31 of the Civil Practice Law and Rules, and to the extent not previously provided, demand is hereby made upon each Plaintiff to set forth and provide the following:

1. Identify each and every personal injury lawsuit, claim, or demand ever filed by Plaintiff, including any and all claims lodged with any insurance provider, program, or agency by Plaintiff alleging any or all of the same injuries claimed herein or alleging any and all of the same causes of action asserted herein.
2. For each personal injury lawsuit, demand, or claim and/or personal injury claim identified in response to paragraph 1 of this section, provide a duly executed authorization permitting each Defendant to inspect and copy the non-privileged records and files maintained by Plaintiff's representative in each matter.

3. Copies of all documents and records related to each personal injury lawsuit, demand, or claim and/or personal injury claim identified in response to paragraph 1 of this section in Plaintiff's possession, custody, or control.

### **DEMAND FOR OR SET-OFFS**

PLEASE TAKE NOTICE that pursuant to Article 31 of the Civil Practice Law and Rules and § 15-108 of the General Obligations Law, demand is hereby made upon each Plaintiff to produce for discovery, reproduction, and inspection the following items:

1. If any sum has been paid or promised to Plaintiff by any Defendant or other person claimed to be liable (within the meaning of § 15-108, General Obligations Law) for any of the injuries (or damages) allegedly arising out of the alleged abuse or alleged acts or omissions of any Defendant, set forth: (a) the name(s) and address(es) of the person(s), corporation(s), insurance company(s), or other entity(s) making such payment or promise; and (b) state the amount(s) which have been, or will be, with reasonable certainty received by Plaintiff.
2. Copies of all documents and records in Plaintiff's possession, custody, or control related to any such payments or promises identified in response to paragraph 1 of this section.

### **DEMAND FOR DISCOVERY AND INSPECTION OF SOCIAL MEDIA & ELECTRONIC MEDIA**

PLEASE TAKE NOTICE that pursuant to Article 31 of the Civil Practice Law and Rules and Forman v Henkin, 30 N.Y.3d 656 (2018), demand is hereby made upon each Plaintiff to produce for discovery, reproduction, and inspection the following items:

1. Identify each social media site including but not limited to Facebook, Twitter, MySpace, Instagram, Snapchat, LinkedIn, YouTube, etc., blog postings and websites with Plaintiff's username and/or screen name to which Plaintiff posted comments at any time regarding the allegations set forth in the Complaint or Bill of Particulars;
2. Duly executed original authorizations to obtain full access to and copies of all comments and posts identified in response to paragraph 1 of this section on Plaintiff's current and historical social networking accounts and profiles, including but not limited to Facebook, MySpace, Instagram, Snapchat, Twitter, LinkedIn, YouTube, TikTok, etc., and all related metadata;

- a. Said authorizations shall permit the release of full and complete copies of the identified comments and posts including but not limited to: all records, information, photographs, videos, comments, messages and postings on the aforementioned social networking accounts currently existing and deleted, and all related metadata;
  - b. Said authorizations shall include the name, username, screen name and e-mail account used in creating each and every social networking account used to make the identified comments and posts;
3. Copies of all information published at any time on any website or mobile application including, but not limited to, wall postings, blog entries or posts, tweets and status updates or other postings or entries on the social media websites identified in paragraph 1;

PLEASE TAKE FURTHER NOTICE that all requested social media information and photographs and videos should be preserved in their original native format with all relevant metadata, including but not limited to any author, creation date and time, modified date and time, native file path, native file name and file type.

### **RESPONSES TO DEMANDS**

PLEASE TAKE FURTHER NOTICE that this is to be considered a continuing demand and if any additional or different information or documents responsive to any of the above demands are located after the return date of these demands, pursuant to § 3101(h) of the Civil Practice Law and Rules each Plaintiff is required to inform the undersigned of this information and to supplement Plaintiff's responses up to and until the trial of this action.

PLEASE TAKE FURTHER NOTICE that each Plaintiff shall make every good faith effort to provide the full names and addresses of the above-named physicians, providers, and institutions, and any other identifying information and supporting documents necessary for Defendants to retrieve the documents and records sought by these Combined Demands.

PLEASE TAKE FURTHER NOTICE that upon Plaintiff's failure to produce documents responsive to the above demands Defendant(s) may object at the trial of this action to the receipt in evidence of any documents or records or information not made available pursuant to these Combined Demands.

PLEASE TAKE FURTHER NOTICE that Plaintiff's failure to supply all of the foregoing documents, items and things pursuant to the above demands may serve as the basis for a motion for the appropriate relief, including costs, pursuant to the Civil Practice Law and Rules, the Uniform Rules of The Supreme Court, and any applicable individual rules or Court Orders.

PLEASE TAKE FURTHER NOTICE objections to discovery based on privilege, confidentiality, immunity, or other protection from disclosure shall state with some specificity that the documents in each category are entitled to protected status; expressly justify the privilege asserted for each category; and describe the nature of the documents to be protected in a manner that will enable the other parties to assess the claim without revealing the privileged information. No documents or information subject to a claim of privilege, confidentiality or immunity from disclosure shall be produced until the claim of privilege, confidentiality or immunity is resolved by the Court.

PLEASE TAKE FURTHER NOTICE nothing contained in these Combined Demands shall be considered a waiver of any party's rights to pursue any further discovery including, but not limited to, discovery requested above, but for a different time frame.

PLEASE TAKE FURTHER NOTICE all parties retain their rights to object and/or to move with regard to the foregoing demands in accordance with the CPLR and existing case law. The fact that these demands are made a part of the Case Management Order does not in any way alter or waive a party's right to object and/or to move with regard to any of the demands herein.