

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____

-----X
[PLAINTIFF(S)],

Index No.:

Plaintiff(s),

**PLAINTIFF'S
COMMON COMBINED
DISCOVERY DEMANDS**

-against-

[DEFENDANT(S)],

Defendant(s).

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COUNSELORS:

PLEASE TAKE NOTICE, that pursuant to Articles 21, 31, and 45 of the Civil Practice Law and Rules, plaintiff _____ (hereinafter "Plaintiff"), by and through plaintiff's attorneys, _____ hereby makes the following discovery demands upon each Defendant.

PLEASE TAKE FURTHER NOTICE, that this is to be considered a continuing demand and you are required to inform the undersigned of this information as it may hereinafter be obtained.

**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 Disclosure by Defendant, each Defendant is required to serve upon and deliver to the undersigned, the following:

1. The name and address of all persons claimed to be a witness to any of the acts, omissions and/or injuries as alleged in the Complaint and/or Bill of Particulars;
2. The name and last known address of any person(s) who at any time received actual notice prior to or during the date(s) alleged in the Complaint and Bill of Particulars of child sexual abuse by the alleged abuser(s), inappropriate conduct involving minors by the alleged abuser(s), or the propensity of the alleged abuser(s) to commit the abuse of the type alleged in the Complaint;
3. The name and last known address of any person(s) who at any time received constructive notice prior to or during the date(s) alleged in the Complaint and Bill

of Particulars of child sexual abuse by the alleged abuser(s), inappropriate conduct involving minors by the alleged abuser(s), or the propensity of the alleged abuser(s) to commit the abuse of the type alleged in the Complaint;

4. The name(s) and last known address(es) of any person(s) claiming to have been sexually abused by the alleged abuser(s) prior to or during the date(s) alleged in the Complaint and Bill of Particulars;
5. If you are unable to provide any of the above information, please provide a description reasonably sufficient to identify each person, including individuals, you believe may have been a witness to any of the acts, omissions, and/or injuries alleged by Plaintiff in the Complaint and/or Bill of Particulars.

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

PLEASE TAKE NOTICE, that pursuant to Civil Procedure Law and Rules Article 31 generally and §3101(g), in particular, it is demanded that each Defendant produce and permit discovery of the following, to the extent not previously provided:

All incident or similar reports prior to or contemporaneous to the date(s) of the alleged abuse claimed in the Complaint and Bill of Particulars (“the alleged abuse”), concerning any allegations of sexual abuse of a minor and/or inappropriate conduct with minors by the alleged abuser(s).

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

PLEASE TAKE NOTICE that, pursuant to Article 31 of the Civil Practice Law and Rules, demand is hereby made upon each Defendant 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 and/or control of Defendant or its representatives recording or otherwise memorializing:
 - a. any of the injuries which are alleged in the Complaint;
 - b. the location(s) identified by Plaintiff in the Complaint or Bill of Particulars where it is claimed the sexual abuse as alleged in the Complaint occurred as such location existed at the time of the alleged abuse;
 - c. the alleged abuse; and/or,
 - d. the alleged abuser(s) at the time of the alleged abuse.

2. If known, 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 subject to the above demands should be preserved.

DEMAND FOR EXPERT WITNESS DISCLOSURE

PLEASE TAKE NOTICE, that pursuant to §3101(d) of the Civil Practice Law and Rules, demand is hereby made upon each Defendant to set forth the following:

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

DEMAND FOR DISCOVERY AND INSPECTION OF HANDBOOKS AND MANUALS

PLEASE TAKE NOTICE, that pursuant to § 3120 of the Civil Practice Law and Rules, demand is hereby made upon each Defendant to produce for discovery, reproduction, and inspection the following items:

1. Any handbook, contract, agreement, manual, or similar document that governed the relationship between any Defendant(s), any other Defendant(s), and/or any third party that any Defendant asserts or alleges is responsible for any of the alleged abuse;
2. Any handbook, contract, agreement, manual, or similar document that governed the relationship between the alleged abuser and any Defendant and/or any third party that any Defendant asserts or alleges is responsible for any of the alleged abuse;

3. Any handbook, contract, agreement, manual, or similar document that described the service(s) that any Defendant provided to Plaintiff or purported to provide to Plaintiff;
4. Any handbook, contract, agreement, manual, or similar document that described the service(s) that the alleged abuser(s) provided to any Defendant(s) or purported to provide to any Defendant(s).

**DEMAND FOR DISCOVERY AND INSPECTION OF RECORDS
OF THE ALLEGED ABUSER**

PLEASE TAKE NOTICE, that pursuant to § 3120 of the Civil Practice Law and Rules, and to the extent not previously provided, demand is hereby made upon each Defendant to produce for discovery, reproduction, and inspection the following items:

1. The complete personnel file, employment file, volunteer file, ineligible volunteer file, human resources file, investigatory file, probation file, disciplinary file, confidential file, "secret" file, "perversion" file, or similar file regarding the alleged abuser(s) referenced in the Complaint;
2. The alleged abuser's application or similar proposal or request to work for or serve any Defendant(s) or to provide work or service on any Defendant's behalf;
3. The alleged abuser's resume, references, qualifications, or similar information;
4. Any salary, stipend, and/or living expenses provided to the alleged abuser(s) prior to, during and after the periods of alleged abuse; and
5. Any operating agreement, staffing agreement, employment agreement, or similar document that governed the work or services that the alleged abuser(s) provided to any Defendant(s) and/or any third party that any Defendant asserts or alleges is responsible for any of the sexual abuse alleged by Plaintiff in the Complaint.

**DEMAND FOR DISCOVERY AND INSPECTION OF RECORDS
REGARDING THE DANGER OF CHILD SEXUAL ABUSE**

PLEASE TAKE NOTICE, that pursuant to § 3120 of the Civil Practice Law and Rules, demand is hereby made upon each Defendant to produce for discovery, reproduction, and inspection the following items, to the extent not previously provided:

1. All documents in the possession of the responding defendant prior to or during the time of the alleged abuse relating to any allegations of sexual abuse of a minor or

inappropriate conduct with a minor against the alleged abuser(s) including, but not limited to, statements, written reports, audio recordings, video recordings, correspondence, emails, memoranda, and notes, and materials transmitted to any police department, any Office of the District Attorney, U.S. Attorney's Office, law enforcement office, State Attorney General or relevant public prosecutor;

2. Copies of all documents related to each complaint, concern, or allegation that any Defendant received prior to or during the period of alleged abuse regarding inappropriate conduct with a minor, including alleged sexual abuse of a minor, by the alleged abuser(s), including any document(s) that reflect the following information for each complaint, concern, or allegation:
 - a. the date,
 - b. the substance of the complaint, concern, or allegation,
 - c. who expressed the concern or who made the complaint or allegation,
 - d. who received the complaint, concern, or allegation, and/or
 - e. what any Defendant did in response to the complaint, concern, or allegation;
3. Copies of all documents exchanged between any Defendants prior to and during the period of alleged abuse concerning the alleged abuser(s) and alleged sexual abuse of minor(s), inappropriate conduct with minor(s), work history, performance review(s)/evaluation(s), and any interactions with minor(s) regarding the alleged abuser(s);
4. Copies of all documents related to each personal injury lawsuit, demand or claim ever filed against any Defendant and/or any personal injury claim brought against any person, individual or corporation lodged with any insurance provider or agency relating to sexual abuse of a minor by the alleged abuser(s), commenced prior to August 14, 2019, including but not limited to:
 - a. Any diocesan or religious order Independent Reconciliation and Compensation Program or similar program; and,
 - b. Any civil lawsuit(s).
5. Copies of all documents that reflect:
 - a. Any limitations that were imposed on the duties of the alleged abuser(s), including, but not limited to, being transferred to another assignment or work site or being restricted in any way from interacting with minors;
 - b. Copies of all documents regarding any probation, transfer, suspension, or

removal of the alleged abuser(s);

- c. Copies of all documents related to any investigation or analysis that any Defendant requested or conducted related to a claim or complaint that the alleged abuser(s) may have sexually abused a child;
- d. Defendant's policies, procedures, rules, or law regarding sexual abuse, including the protection of minors from the danger of being sexually abused.

**NOTICE FOR DISCOVERY AND INSPECTION OF DIRECTORIES AND
CORPORATE RECORDS**

PLEASE TAKE NOTICE, that pursuant to § 3120 of the Civil Practice Law and Rules, demand is hereby made upon each Defendant to produce for discovery, reproduction, and inspection the following items:

1. Copies of all rosters, employee lists, yearbooks, directories, bulletins and similar documents that reflect the name of each person who, at any time along with the alleged abuser(s), worked at, volunteered at, or was employed by any Defendant;
2. Copies of all articles of incorporation, bylaws, operating agreements, and similar documents regarding any current or prior corporation or other legal entity that owned any Defendant;
3. Copies of all agendas and meeting minutes regarding the alleged abuser(s);
4. Copies of all documents sufficient to establish (a) the ownership of the property where the alleged abuse occurred at the time of the alleged abuse, and (b) the party responsible for the management or operation of the property where the alleged abuse occurred at the time of the alleged abuse;
5. Set forth the full name and address of all persons, entities and/or employers not a party to this action who Defendant(s) claim or will claim may be liable for the damages herein;
6. Copies of any documents regarding the death of the alleged abuser(s).

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

PLEASE TAKE NOTICE, that pursuant to § 3120 of the Civil Practice Law and Rules, demand is hereby made upon each Defendant to produce for discovery, reproduction, and inspection the following items, to the extent not previously provided and upon the presentation of fully executed authorizations from Plaintiff for the release of these records:

1. Copies of all documents related to Plaintiff, including
 - a. Any file(s) any Defendant maintained on Plaintiff; and/or,
 - b. Any handbook, contract, agreement, manual, or similar document that governed the relationship between Plaintiff and any Defendant(s) and/or any third party that any Defendant asserts or alleges is responsible for any of the sexual abuse alleged by Plaintiff in the Complaint;
2. Copies of all documents related to Plaintiff's biological family, foster family and/or adopted family including:
 - a. Any file(s) on Plaintiff's biological family, foster family and/or adopted family;
 - b. Any handbook, contract, agreement, manual, or similar document that governed the relationship between any Defendant and Plaintiff's biological family, foster family or adopted family; and/or,
 - c. Any handbook, contract, agreement, manual, or similar document that described the service(s) that any Defendant provided to Plaintiff's family or purported to provide to Plaintiff's biological family, foster family and/or adopted family.

**DEMAND FOR DISCOVERY AND INSPECTION OF
RELEASES AND/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 Defendant to produce for discovery, reproduction, and inspection the following items:

If any sum has been paid or promised to any plaintiff by any other Defendant or other person or entity claimed to be liable (within the meaning of § 15-108, General Obligations Law) for any of the injuries (or damages) alleged 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 any Defendant.

SURVEILLANCE MATERIALS CPLR 3101(i)

PLEASE TAKE NOTICE, that pursuant to § 3101(i) of the Civil Practice Law and Rules, demand is hereby made upon each Defendant to produce for discovery, reproduction, and inspection the following items, to the extent not previously provided:

- (i) Any and all photographs, moving pictures and audio tapes, including transcripts or memoranda thereof, in the possession of the defendants, taken of the plaintiff, including but not limited to surveillance films and photographs;
- (ii) Full disclosure of all portions of such material, including out-takes, rather than only those portions a party intends to use;
- (iii) The time sheets of the investigators denoting hours spent conducting surveillance and editing the video surveillance video tapes, films or DVDs, billing invoices and proof of payment;
- (iv) All correspondence, investigators' field notes, computer log sheets and phone records denoting the times and places that surveillance was conducted;
- (v) The names and addresses of all investigators who worked on the surveillance of the plaintiff;

Your failure to provide plaintiff with the aforementioned and advise plaintiff as to the existence of any surveillance materials prior to examinations before trial of plaintiff will result in preclusion (see CPLR 3101[i]).

RESPONSES TO DEMANDS

PLEASE TAKE FURTHER NOTICE that this is to be considered a continuing demand and if any items 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 upon discovery of same, you are required to inform the undersigned of this information and to supplement your responses up to and until the trial of this action.

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

PLEASE TAKE FURTHER NOTICE that your failure to supply all of the foregoing documents, items and things pursuant to the above demands will serve as the basis for a motion for appropriate relief, including costs, pursuant to the Civil Practice Law and Rules.

PLEASE TAKE FURTHER NOTICE that 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.

Dated: _____, New York
_____, 2021

Yours, etc.,

LAW FIRM, P.C.

By: _____
Attorneys for Plaintiff

Phone:
Email:

TO: