

Stephen Williamson:

Once the bill of particulars is served, generally that's when the court gets involved. We file what's known as an RJI, which is a Request for Judicial Intervention asking the court to get involved in the case. The court will usually schedule what's known as a preliminary conference, and in that preliminary conference, the parties and the court lay out what's called a discovery schedule. And in that discovery schedule we lay out what we're going to do with respect to the exchange of information, the discovery in the case.

The big pieces of that puzzle are the depositions, the deposition of the plaintiff, that's the injured party that we represent. Whatever depositions of the city that we feel are appropriate. And so if it's a case against the fire department or the sanitation department or the parks department, we'll be deposing, taking depositions, from representatives from that agency. People with knowledge of the protocols and procedures surrounding the incident or witnesses or employees of the city who actually were present when the accident or the incident occurred. Perhaps we'll depose a witness from the city who authored an accident report or wrote up some document afterward or pertaining to the injury in the accident.

Once the depositions are concluded, the city has a right, although they don't always exercise it, to conduct what's called a medical examination of the plaintiff. In your average injury case, whether it's physical injuries or psychological injuries or both, the city has a right, and this is true in all injury cases. Every defendant and their lawyers have a right to hire a doctor of their choosing to either examine records or look at MRI films or x-rays and also conduct an actual physical examination of the plaintiff.

So if you're a plaintiff in a personal injury lawsuit, either against the city or some private defendant, at some point along the way, you're going to testify in a deposition. And shortly after that, you're going to appear for a medical examination where a doctor hired by the defendant who's not there to treat you, but is to examine you in the context of the litigation, will examine you and then write a report with his or her findings. And speaking frankly, the doctors who are retained by the defendants, whether they're the City of New York or other defendants, tend to write reports that favor the defense and are not so favorable or charitable to the plaintiff.