

SUPREME COURT - STATE OF NEW YORK  
CALENDAR CONTROL PART - SUFFOLK COUNTY

**COPY**

**PRESENT:**

Hon. ROBERT W. DOYLE  
Justice of the Supreme Court

MOTION DATE 9/05/02  
ADJ. DATE \_\_\_\_\_  
Mot. Seq. # 003 - MOTD

-----X  
 .  
 LAYLA K. BENNETT and ALEXA BENNETT, :  
 by her Mother and Natural Guardian, :  
 LAYLA K. BENNETT, :  
 Plaintiffs, :  
 .  
 - against - :  
 .  
 JESSICA E. HAAB and :  
 DEBORAH A. HAAB, :  
 Defendants, :  
 -----X

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Upon the following papers numbered 1 to 8 read on this motion ~~to strike defendants' answer~~; Notice of Motion/ ~~Order to show Cause and supporting papers~~ 1 - 8 ; Notice of Cross Motion and supporting papers \_\_\_\_\_; Answering Affidavits and supporting papers \_\_\_\_\_; Replying Affidavits and supporting papers \_\_\_\_\_; Other \_\_\_\_\_; ~~(and after hearing counsel in support and opposed to the motion)~~ it is,

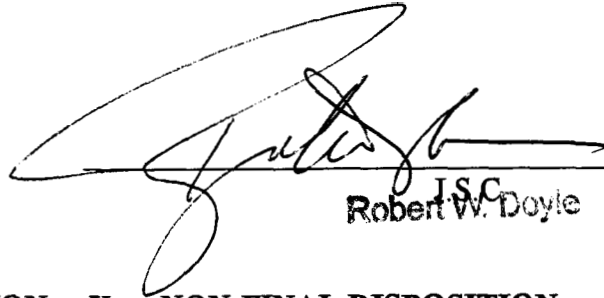
*ORDERED* that this unopposed motion by the plaintiffs for an order striking defendants' answer for failing to produce surveillance tapes and related material regarding plaintiff Layla Bennett as requested in plaintiffs' disclosure demands, dated May 30, 2002 and June 20, 2002, is granted to the extent that defendants are directed to comply with the aforementioned disclosure demands within ten (10) days of the entry date of this order. In the event that defendants fail to comply with this order they shall be precluded from introducing the surveillance tapes at the trial of this action.

This is an action to recover damages for personal injuries allegedly sustained by the plaintiffs on August 11, 1998 in a motor vehicle accident. The note of issue was filed on October 16, 2000, and the case is presently on the ready day trial calender.

*Bennett v Haab*  
*Index No. 99-7257*  
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CPLR 3101(i) requires full disclosure of the surveillance tapes which were taken by the defendants in preparation for litigation, upon demand by the plaintiffs (see, *Rotundi v Massachusetts Mut. Life Ins. Co.*, 263 AD2d 84, 702 NYS2d 150 [3d Dept 2000]; *Hawkins v Lucier*, 255 AD2d 553, 680 NYS2d 671 [2d Dept 1998]; *Di Nardo v Koronowski*, 252 AD2d 69, 684 NYS2d 736 [4<sup>th</sup> Dept 1998], *lv. app. den.* 688 NYS2d 372 [1999]).

Dated:           OCT 09 2002          

  
\_\_\_\_\_  
Robert W. Doyle  
J.S.C.

           FINAL DISPOSITION   X   NON-FINAL DISPOSITION