

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----x
SHAWN SHELTON,

Plaintiff,

-against-

TURK HAVA YOLARI A.O.,

Defendant.
-----x

**MEMORANDUM
AND ORDER**

09-CV-308 (FB)

ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

Currently pending before this Court is a request by defendant Turkish Airlines (“THY”) for a pre-motion conference in connection with THY’s anticipated motion to dismiss for lack of subject matter jurisdiction; the pre-motion conference would either be in lieu of or in combination with the settlement conference scheduled for July 31, 2009. See Letter to the Court from Bartholomew J. Banino, Counsel for Defendant (July 13, 2009) (“Def. Letter”). Plaintiff also requests that the deposition of Mr. Cenzig Turksoy, a THY employee currently stationed in Manchester, England, be postponed until after the settlement conference. See id. at 5.

With respect to the Turksoy deposition, which plaintiff noticed for July 29, 2009, defense counsel neglects to state whether he has sought and obtained the consent of plaintiff’s

counsel to his defer the deposition until after the settlement conference. Therefore, THY's request to adjourn the Turksoy deposition is denied without prejudice.¹

With respect to THY's request for a pre-motion conference, the Court will conduct the pre-motion conference at the same time as the settlement conference. Plaintiff shall, by July 20, 2009, file a letter-brief responding to THY's jurisdictional arguments.

SO ORDERED.

**Dated: Brooklyn, New York
July 13, 2009**

**ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE**

¹ THY notes that "plaintiff's counsel now identifies the deposition of Mr. Turksoy . . . as the crucial testimony in this case" Def. Letter, at 4. It thus seems unlikely that plaintiff would consent to defer the Turksoy deposition until after the settlement conference.

As for the scheduling of the time and location of Mr. Turksoy's deposition, counsel are reminded of the Court's statements at a telephone conference held on June 5, 2009, concerning the scheduling of depositions of THY's employees. See 6/5/09 Calendar Order, at 1-2.