

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

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MENZO TUCKER,

Plaintiff,

-against-

THE CITY OF NEW YORK, et al.,

Defendants.
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**MEMORANDUM
AND OPINION**

09-CV-624 (SLT)

ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

On November 10, 2010, defense counsel telephoned my chambers to complain that plaintiff's counsel had disclosed, in her publicly filed letter to Judge Townes dated November 9, 2010, that last year this Court had proposed a specific monetary settlement to resolve this action. See Letter to Judge Townes from Dana Vlachos (docketed Nov. 10, 2010) at 3 (second clause of last sentence of second paragraph). For several reasons, this Court recommends that, at a minimum, that portion of the letter be redacted from the public record.

First, as both counsel are well aware, the settlement proposal made by this Court at the initial conference on May 14, 2009, was communicated to the parties *off the record* precisely to maintain its confidentiality unless and until both sides agreed to settle for the recommended amount.

Second, the figure stated by plaintiff's counsel in her letter is not accurate; the Court's notes from that conference, and those of both of my law clerks, reflect that plaintiff's counsel

has overstated the sum proposed by the Court.

In view of the foregoing, the undersigned magistrate judge respectfully requests that the reference to the Court's settlement recommendation -- which was not meant to be communicated to the trial court or publicly disclosed -- be stricken from the record through redaction.

SO ORDERED.

**Dated: Brooklyn, New York
November 12, 2010**

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