

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SHARON NARINESINGH,

Plaintiff,

-against-

THE CITY OF NEW YORK, DETECTIVE
CHRISTOPHER SCARRY, DETECTIVE
KENNETH GIALLANZA, HENDEL BASCH,
MOSES KLEIN, MOSHE WEISER, GILA
CATERERS, INC. d/b/a V'VOELE MOSHE
HALL, TIRNOWER KOSHER CATERERS,
INC., d/b/a Y'VOELE MOSHE HALL,
WILLIAM TIRNOWER, RITA FERGUSON,

Defendants.
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MEMORANDUM AND ORDER

10-CV-6022 (FB) (RER)

Appearances:

For the Plaintiff:

PATRICK MICHAEL MEGARO, ESQ.
626 RXR Plaza, 6th Floor, West Tower
Uniondale, NY 11556

For Defendants Basch, Klein, and Weiser:

DAVID BERG, ESQ.
Berg Law PLLC
200 Wallabout Street
Brooklyn, NY 11206

For Defendants Gila Caterers and Tirnower:

WILLIAM A. ELDER, ESQ.
Law Office of Steven G. Fauth
40 Wall Street
New York, NY 10005

*For Defendants City of New York, Scarry,
and Giallanza:*

MICHAEL A. CARDOZO, ESQ.
Corporation Counsel, City of New York
MATTHEW J. MODAFFERI, ESQ.
Assistant Corporation Counsel
Special Federal Litigation Division
100 Church Street
New York, NY 10007

BLOCK, Senior District Judge:

Plaintiff Sharon Narinesingh accuses defendants of violating her civil rights in connection with her arrest and prosecution for stealing photography equipment from another wedding photographer in the Hasidic Jewish community in Brooklyn. She was acquitted after a criminal trial, and she now raises several claims under 42 U.S.C. § 1983 and state common law, including false arrest, malicious prosecution, and municipal liability. Prior to discovery, three groups of defendants moved for summary judgment: (1) Hendel Basch, Moses Klein, and Moshe Weiser; (2) Gila Caterers, Inc. and William Tirnower; and (3) Detective Christopher Scarry, Detective Kenneth Giallanza, and the City of New York.¹

Because no discovery has taken place and the relevant facts are heavily disputed, this Court denies defendants' motions for summary judgment as premature. *See Hellstrom v. U.S. Dep't of Veterans Affairs*, 201 F.3d 94, 97 (2d Cir. 2000) ("Only in the rarest of cases may summary judgment be granted against a plaintiff who has not been afforded the opportunity to conduct discovery."). Significant questions exist, for example, regarding the date of the incident and the extent of interaction between the state and private defendants. Discovery is needed to determine whether plaintiff is able to establish genuine issues of material fact as to her causes of action. *See* Fed. R. Civ. P. 56(c)-(d).

SO ORDERED.

FREDERIC BLOCK

¹Defendant Rita Ferguson has not been served and does not appear in this action. Defendant Tirnower Kosher Caterers, Inc. also does not appear in this action.

Brooklyn, New York
January 22, 2013

Senior United States District Judge