

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

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**OVIDIU MARCEL DEAC,**

**Plaintiff,**

**-against-**

**IL POSTINO, INC., et al.,**

**Defendants.**  
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**MEMORANDUM  
AND ORDER**

**12-CV-5952 (NGG)**

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

In an Order dated June 17, 2014, this Court ruled that *pro se* plaintiff's June 13<sup>th</sup> "Response to Defendant's Motion for Summary Judgment" ("Pl. Motion"), Electronic Case Filing Docket Entry ("DE") #72, does not satisfy plaintiff's obligations under Rule 56 of the Federal Rules of Civil Procedure, Rule 56.1 of this district's Local Civil Rules, or the court orders issued earlier this month. See Order (June 17, 2014) at 1, DE #73; see also Order (June 6, 2014), DE #69; Order (June 11, 2014), DE #71. Plaintiff was therefore again ordered to properly respond to defendants' motion for summary judgment by June 30, 2014.

To the extent that plaintiff's June 13<sup>th</sup> submission--though titled "Plaintiff's Response to Defendant's Motion for Summary Judgment"--was intended by plaintiff to serve as a motion to compel,<sup>1</sup> that application is denied. Suffice it to say, discovery ended last year, and plaintiff's challenges to defendants' responses to his discovery demands were exhaustively litigated in a

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<sup>1</sup> Among other things, plaintiff's submission includes headings titled "DEFENDANTS HAS [sic] NOT PROVIDED ADEQUATE INFORMATION CONCERNING CERTAIN WITHHOLDINGS," "PLAINTIFF IS ENTITLED TO DISCOVERY REQUEST AND WRITTEN INTERROGATORY," and "DEFENDANTS HAS NOT CONDUCTED AN ADEQUATE SEARCH FOR EVALUATION RECORDS." Pl. Motion at 1-2.

series of applications and court orders. See, e.g., Memorandum and Order (Nov. 20, 2013), DE #54; Memorandum and Order (Dec. 12, 2013), DE #58. Plaintiff will not now be heard to belatedly raise new arguments or rehash old ones.

**SO ORDERED.**

**Dated: Brooklyn, New York  
June 20, 2014**

*/s/ Roanne L. Mann*  
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**ROANNE L. MANN  
UNITED STATES MAGISTRATE JUDGE**