

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANTHONY PRICE,

Plaintiff,
-against-

ORDER
CV 07-2634 (JFB) (ARL)

SHERIFF EDWARD REILLY, et al.,

Defendants.

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ANTHONY PRICE,

Plaintiff,
-against-

ORDER
CV 07-4841 (JFB) (ARL)

MARY SULLIVAN, et al.,

Defendants.

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LINDSAY, Magistrate Judge:

Before the court is the plaintiff’s letter application dated November 8, 2010, seeking to compel non-party Dr. Balsam to respond to certain questions asked of her at her deposition. Dr. Balsam is an attending physician at the defendant Nassau University Medical Center. Dr. Balsam saw the plaintiff during the period that gave rise to the lawsuit and rendered an opinion to the plaintiff as to his candidacy for a kidney transplant. At her deposition, counsel for the defendants instructed Dr. Balsam not to answer three questions, specifically, “(1) whether she had ‘an understanding of what the change in [Mr. Price’s] life expectancy would be after receiving a kidney transplant;’(2) whether it was true that ‘the longer Mr. Price is on dialysis, the more he can expect a smaller increase in life expectancy from receiving a kidney transplant;’ and (3) to identify the names of journals she had read for information on renal treatment that may relate to Mr. Price.” The court has reviewed the submissions and finds that Dr. Balsam should respond only to question (1). The plaintiff’s request for a continued deposition is denied, as is his request for an instruction to counsel for the defendants not to instruct Dr. Balsam not to answer questions that seek expert opinions. Dr. Balsam is directed to respond to question (1) in writing by November 26, 2010.

Dated: Central Islip, New York
November 15, 2009

SO ORDERED:

/s/
ARLENE R. LINDSAY
United States Magistrate Judge