

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BARBARA M. WILLIAMS,

Plaintiff,

ORDER

CV 07-2804 (LDW)(ARL)

-against-

JOHN DONOVAN, et al.,

Defendants.

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LINDSAY, Magistrate Judge:

On January 30, 2008, the plaintiff requested a sixty day extension of the discovery deadline and the deadline for taking the first step in the dispositive motion process. Counsel for the plaintiff indicated that he was in the process of being substituted as counsel, but said nothing about the status of discovery. The undersigned denied the request given Judge Wexler's direction that this case be marked ready for trial approximately one year from the date of filing. However, the court advised the parties that they could continue to conduct discovery by agreement until the case was marked ready for trial by Judge Wexler.

Now, by letter dated February 12, 2009, counsel for the defendants has indicated for the first time that the defendants have not received any responses to their discovery demands or taken the deposition of the plaintiff. As such, two weeks after the official close of discovery, the defendants seek to compel the plaintiff to respond their discovery demands and appear for a deposition. In addition, the defendants seek to adjourn the deadline for taking the first step in the dispositive motion process. Although the motion should be denied as untimely, the court is going to enter one final scheduling order preferring to have this case ultimately decided on the merits.

The parties shall exchange responses to all outstanding discovery by March 6, 2009. The plaintiff shall appear for a deposition by March 6, 2009. Any party wishing to make a dispositive motion shall take the first step in the motion process by March 17, 2009. The final conference scheduled for March 3, 2009 is adjourned to March 30, 2009 at 2:00 p.m. The parties are directed to submit a proposed joint pretrial order prior to the final conference. No further adjournments will be granted. The court notes that Mr. Kutner remains the attorney of record for the plaintiff.

Dated: Central Islip, New York
February 25, 2009

SO ORDERED:

_____/s/_____
ARLENE R. LINDSAY
United States Magistrate Judge