

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

MICHAEL LEONE *on behalf of himself*  
*and all others similarly situated,*

Plaintiff,

**ORDER**

- against -

CV 09-4147 (LDW) (AKT)

COHEN & SLAMOWITZ, LLP,

Defendant.

-----X

**A. KATHLEEN TOMLINSON, Magistrate Judge:**

The Court has reviewed Plaintiff's motion [DE 10] to compel Defendant's responses to Plaintiff's First Set of Requests for Admissions, Interrogatories, and Requests for Production of Documents and for the imposition of discovery sanctions, and Defendant's opposition [DE 11] to the motion. At the Initial Conference held on March 2, 2010, I explained to the parties that they would each have six (6) weeks to respond to the other's discovery demands. This is reflected in the Case Management and Scheduling Order [DE 8] which was entered following the Initial Conference. If Plaintiff served his discovery demands on March 19, 2010, then Defendant's responses were due on May 3, 2010. Defendant served its discovery demands on May 5, 2010. While in violation of this Court's Orders, and Defendant should have requested an extension from the Court as set forth in Paragraph 7 of the March 2, 2010 Civil Conference Minute Order [DE 7], the violation is not so egregious as to warrant sanctions. Based upon the Court's review of the parties' submissions, Plaintiff's motion to compel is hereby deemed MOOT.

**SO ORDERED.**

Dated: Central Islip, New York  
May 11, 2010

/s/ A. Kathleen Tomlinson  
A. KATHLEEN TOMLINSON  
U.S. Magistrate Judge