

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARYCLAIRE KRUMHOLZ,

Plaintiff,

-against-

ORDER

CV 09-4277 (JFB)(ARL)

VILLAGE OF NORTHPORT,

Defendant.

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LINDSAY, Magistrate Judge:

Before the court is the defendant’s letter application dated November 19, 2010, seeking to compel the plaintiff to produce documents pursuant to Defendant’s First Set of Document Demands and to provide answers to Defendant’s First Set of Interrogatories. In addition, defendant seeks a three-month extension of the discovery deadline. Plaintiff opposes the motion to compel but consents to that part of defendant’s application seeking an extension of time to complete discovery.

Defendant’s application is granted, in part. Having reviewed the parties’ submissions, the court agrees with plaintiff that little of defendant’s demands and interrogatories seek information relevant to the issues in this case. Plaintiff does not dispute whether she took money beyond her base salary; she states that she did. Moreover, all allegedly improper payments were made by check on Village accounts. Thus, the issue at bar is whether or not plaintiff was entitled to the payment and whether or not defendant authorized the payments. Even to the extent that defendant seeks the financial information for a claim of conversion, there is no question as to the fact of payment in this case. Accordingly, with respect to Defendant’s First Set of Document Demands, the court grants defendant’s motion to compel plaintiff to produce documents pursuant to Document Demand No. 1, but denies defendant’s motion to compel plaintiff to produce documents pursuant to Document Demands Nos. 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 28, 29, 30. Similarly, as Interrogatory Nos. 1 through 9 have no apparent relevance to the issues in the case, the court denies defendant’s motion to compel responses to Defendant’s First Set of Interrogatories.

Defendant’s request for a three-month extension of the discovery deadline is granted on consent. All discovery, inclusive of expert discovery, is to be completed by April 29, 2011. Any party planning on making a dispositive motion shall take the first step in the motion process by May 16, 2011. The final conference scheduled for February 28, 2011 is adjourned to May 26, 2011 at 11:00 a.m. The parties are to electronically file a joint proposed pretrial order in compliance with the district judge’s individual rules prior to the conference.

Dated: Central Islip, New York
December 1, 2010

SO ORDERED:

/s/
ARLENE ROSARIO LINDSAY

United States Magistrate Judge