

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JAMES P. SLETTELAND,

Plaintiff,

-against-

JEROME PROCE, et al.,

Defendants.

ORDER

CV 10-4481(LDW)(ARL)

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LINDSAY, Magistrate Judge:

Before the court is plaintiff's letter application dated May 7, 2011, seeking (i) to compel defendants to respond to Plaintiff's First Notice of Deposition and Request for Production of Documents dated March 6, 2011; and (ii) to compel non-party witness Jeryl Sletteland, defendants' daughter, who is represented by defense counsel, to comply with a subpoena dated March 10, 2011 to testify at a deposition and to produce the documents specified in the attachment annexed thereto. In addition, plaintiff seeks costs and legal fees for making the within motion and requests a hearing. Defense counsel has not responded to this application on behalf of either defendants or the non-party witness.

Plaintiff's motion is granted, in part. On or before June 17, 2011, defendants shall (i) produce all bank account, checking account and investment account statements of defendants for the period May 1, 2004 to the present; (ii) produce defendants' checks, deposits, items and statements containing checks, deposits or other items related directly to the purchase, financing and expenses of the real estate located at 223 Hollywood Crossing, Lawrence, NY (the "House") which is the subject of this lawsuit; (iii) to produce any document or correspondence held by defendants and related to the foregoing, or related to the purchase of the House; (iv) to produce evidence of any payments made by Jeryl Sletteland, or checks drawn by defendants to her, singularly or with others, and returned by Jeryl to defendants, including refunds of the purchase price, refunds of down payments, rent, maintenance and the like. On or before June 17, 2011, counsel for Jeryl Sletteland shall (i) likewise produce the above outlined documents as set forth in the attachment to her subpoena dated March 10, 2011; and (ii) produce Jeryl Sletteland for a deposition. Plaintiff's request for sanctions and a hearing is denied. The defendants and non-party witness are warned that failure to comply with this order may result in the imposition of sanctions.

Dated: Central Islip, New York
May 16, 2011

SO ORDERED:

/s

ARLENE R. LINDSAY
United States Magistrate Judge