

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MICHAEL SMITH,

Plaintiff,

ORDER

-against-

CV 10-4874 (MKB)(ETB)

COUNTY OF NASSAU, et al.,

Defendants.
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The following rulings were made at the telephone conference conducted on July 8, 2013:

1. The County agrees to turn over what it considers to be relevant complaints of misconduct with regard to the individual County officers involved in this action. Production shall be made within ten (10) days. As to any other similarly withheld and/or redacted items, the County agrees to reevaluate its current relevance objection based on the scope and nature of the Monell claim articulated by the plaintiff. The County should be prepared to address this at the next conference on July 10, 2013.
2. The privilege log and withheld redacted records will be addressed again on July 10, 2013. The parties shall make additional letter submissions addressing the issue.
3. The objections asserted have been resolved based on the representation by Ms. Ben-Sorek that no documents are being withheld pursuant to the objections at issue.

4. If the 911 Call was not included in the Radio Call CD already produced, the County agrees to produce it as soon as possible.
5. With respect to the objections to Interrogatories Numbers 14 and 15, the County Attorney, within fourteen (14) days, shall provide an affirmation in the event that a history of litigation against the individual defendants is not in the possession of or under the control of the County.
6. The re-deposition issue has been resolved by agreement of the parties.

Another conference will be held on the unresolved portions of this Order on July 10, 2013 at 11:00 a.m. in Courtroom 830, Alfonse M. D'Amato U.S. Courthouse, Central Islip, New York. All counsel shall be present.

SO ORDERED:

Dated: Central Islip, New York
July 8, 2013

/s/ E. Thomas Boyle
E. THOMAS BOYLE
United States Magistrate Judge