

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TERRY NIX,

Plaintiff,

ORDER

-against-

CV 11-1460

COUNTY OF SUFFOLK, POLICE OFFICER JOHN  
VALENTE, POLICE OFFICER BRIAN RATHBURN  
and POLICE OFFICERS JOHN DOES and/or JANE  
ROES Nos. 1-5

(Wexler, J.)

,

Defendants.

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The application dated January 6, 2014 by both Plaintiff and Defendants in the above-captioned matter is denied.

The history of this case is as follows:

- Plaintiff filed his action on March 24, 2011, a Section 1983 civil rights action.
- The case was set down for trial on September 28, 2012, with jury selection scheduled for June 24, 2013.
- On February 5, 2013, the Court reminded both sides of the jury selection scheduled for June 24, 2013.
- On May 29, 2013, Plaintiff, with the consent of Defendants, made a motion to adjourn the trial. At the request of both sides, jury selection and the trial were rescheduled to December 2, 2013.

- On November 18, 2013, Defendants, with the consent of Plaintiff, made a request to adjourn the trial. The Court set January 21, 2014 as the date for jury selection.
- On December 4, 2013, the Court advised the parties that, due to a scheduling conflict, jury selection would take place on January 22, 2014 instead of January 21, 2014.
- No one advised the Court of any problems with the January 22, 2014 date except that by letter dated January 6, 2014, Scott A. Korenbaum, Esq. advised the Court that he, Frederick K. Brewington and all other parties are involved in long trials and cannot proceed until some time after April 28, 2014.

This matter will not be adjourned and will go forward, as scheduled, on January 22, 2014.

If any party is not in court on that date, there will be a judgment issued for the party present.

**SO ORDERED:**

Dated: Central Islip, New York  
January 7, 2014

/s/ Leonard D. Wexler  
LEONARD D. WEXLER  
United States District Judge