

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EVELYN KONRAD,

Plaintiff,

ORDER

-against-

CV 12-4021 (JFB)(ETB)

MARK EPLEY, Individually and in his capacity as Major of the Village of Southampton, PAUL ROBINSON, Individually and as former Trustee of the Village of Southampton, ELBERT W. ROBINSON, JR., Individually and in his capacity as Assistant Attorney for the Village of Southampton, WILLIAM BROWN, resident of the Rosko Place subdivision, in the Village of Southampton, DENIS GUERIN, owner of a property in the Rosko Place subdivision, in the Southampton Village, DONALD QUINTIN and MELINDA QUINTIN, owners of a property in the Rosko Place subdivision in the Village of Southampton,

Defendants.

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The plaintiff's pro se application with respect to service of process on defendant, William Brown, is denied as moot, since he has been served at his address in New Canaan, Connecticut.

I will treat the remaining aspect of the plaintiff's April 14, 2013 submission as a request for reconsideration of the sua sponte stay of discovery imposed pending the outcome of defendants' motions to dismiss. Reconsideration is granted, and on such reconsideration the original determination to stay all discovery on December 7, 2012 is re-affirmed. Based on the allegations in the Complaint and counsels' representations made at the initial conference, there are substantial issues of res judicata which arise from the pro se plaintiff's prior litigation in the state courts. In addition, the defendants raise issues of legislative immunity and the applicable

statute of limitations. At the same time, the plaintiff is seeking to amend her Complaint to add additional parties. For all these reasons, in the exercise of discretion under Federal Rule of Civil Procedure 26(c), the court imposed the sua sponte stay, pending the outcome of those motions.

This will avoid any unnecessary duplication of efforts should additional parties be added. It will also avoid any unnecessary litigation costs to any of the parties in the event that any causes of action or the entire Complaint are dismissed.

Plaintiff is directed to serve a copy of this Order on pro se defendant William Brown upon receipt.

SO ORDERED:

Dated: Central Islip, New York
April 23, 2013

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