

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE  
MINUTE ORDER**

BEFORE: STEVEN I. LOCKE  
U.S. MAGISTRATE JUDGE

DATE: 2/12/15  
TIME: 2:00 pm

CASE: **CV 14-2634(JFB) Caputi v. Topper Realty Corp. et al**

TYPE OF CONFERENCE: MOTION

FTR: 2:07-2:40; 2:48-2:54

**APPEARANCES:**

For Plaintiff: Mindy Kallus

For Defendant: Lisa Griffith

**THE FOLLOWING RULINGS WERE MADE:**

- Scheduling Order entered.
- The court has adopted and So Ordered the joint proposed scheduling order [ ] submitted by the parties.
- The Joint Pretrial Order is accepted for filing and the action is deemed ready for trial. The action will be tried in accordance with the discretion and the trial calendar of the District Judge.
- Other:

Defendant's motion, DE [26], to compel discovery is decided as follows for the reasons set forth on the record:

- That branch of the motion seeking to compel production of Plaintiff's full federal and state tax returns is DENIED without prejudice to renew, however, Plaintiff shall produce any IRS Form W-2s not already produced and IRS Form 1099s she received during the relevant time period;
- That branch of the motion seeking to compel production of records of Plaintiff's credit card activity is DENIED without prejudice to renew;
- That branch of the motion seeking to compel production of records of Plaintiff's debit card activity is GRANTED IN PART, insofar as Plaintiff shall produce records of her ATM transactions for the period November 2011 to November 2013, and shall redact all information other than the date, time, and location of such transactions;
- That branch of the motion seeking to compel production of records of Plaintiff's cellular phone usage is GRANTED IN PART, insofar as Plaintiff shall produce such records for the period November 2011 to November 2013; and
- That branch of the motion seeking to compel production of records of Plaintiff's Facebook activity is GRANTED IN PART, insofar as Plaintiff shall produce, "any

specific references [made by Plaintiff on Facebook] to the emotional distress she claims she suffered or treatment she received in connection with the incidents underlying her” Complaint for the period from November 2011 to November 2013, together with any postings “that refer to an alternative potential stressor” for the same time period, to the extent applicable. *Giacchetto v. Patchogue-Medford Union Free Sch. Dist.*, CV 11-6323, 293 F.R.D. 112, 116 (E.D.N.Y. 2013).`

Plaintiff is directed to preserve all of her Facebook postings for the duration of this litigation.

Defendant’s motion, DE [28], to strike Plaintiff’s response, DE [27], is DENIED with prejudice.

Plaintiff shall comply with the above rulings and produce the subject documents and information on or before March 16, 2015.

Depositions shall be completed on or before May 15, 2015.

**COURT APPEARANCES:**

The following conference(s) will be held in courtroom 820 of the Central Islip courthouse:

5/11/2015 @ 2:00 pm : Status conference

\_\_\_\_\_ : Pretrial conference. A joint proposed pretrial order must be electronically filed 3 days prior to this conference.

SO ORDERED

/s/Steven I. Locke  
STEVEN I. LOCKE  
United States Magistrate Judge