

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

ALLAN TELLER,

Plaintiff,

- v -

Civ. No. 1:10-CV-751
(MAD/RFT)

CITY OF SCHENECTADY, JONATHAN FAVATA
*Individually and as an Agent and/or Employee and
Police Officer of the City of Schenectady and the
City of Schenectady Police Department; and*
KATHLEEN BOUDREAU,

Defendants.

RANDOLPH F. TREECE
United States Magistrate Judge

DECISION and ORDER

On February 8, Teller filed a Letter-Motion seeking to reopen discovery. Dkt. No. 40. After the Court granted Defendants an opportunity to speak with individuals knowledgeable with the Teller's complaints regarding discovery protocol and process, they filed a response in opposition to the relief Teller is seeking. Dkt. No. 44, Lt.-Br., dated Feb. 13, 2012. Accompanying Defendants' Opposition is an affidavit of John Favata which was initially received by the Court under seal but will now be posted to the docket subject to redactions. On February 15, 2012, Teller filed a response to Defendants' Opposition. Dkt. No. 47.


On February 17, 2012, a Discovery Hearing was held on the record. After hearing arguments by the parties and reviewing the written submissions, the Court

made several Rulings which are incorporated by reference into this Decision and Order and summarize hereinbelow:

1. Defendants shall determine if any audio or video tapes exist regarding the events that occurred on July 23, 2009. Should such tapes exist, the tapes shall be produced to Teller within 30 days of the filing date of this Decision and Order.
2. Teller may conduct an additional deposition of both John Favata and Trooper Ayers.
3. Teller is permitted to be re-deposed only as to the July 2, 2009-incident.
4. The Scheduling Order is amended as follows: (1) the discovery deadline is **May 31, 2012**; (2) the final day to file dispositive motion is **July 13, 2012**; (3) all other provisions of the Scheduling Order shall remain in effect; and (4) **this is the final extension.**

IT IS SO ORDERED.

February 17, 2012
Albany, New York



Randolph F. Treece
U.S. Magistrate Judge