

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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BERNARD B. IDLISAN,

Plaintiff,

v.

5:12-CV-1790  
(MAD/TWD)

SUNY UPSTATE MEDICAL UNIVERSITY,

Defendants.

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APPEARANCES:

OF COUNSEL:

BERNARD B. IDLISAN  
Plaintiff pro se  
1402 Jefferson Avenue, 1<sup>st</sup> Floor  
Brooklyn, NY 11237

HON. ERIC T. SCHNEIDERMAN  
Attorney General for the State of New York  
Counsel for Defendants  
The Capitol  
Albany, NY 12224

HEATHER R. RUBINSTEIN, ESQ.

THÉRÈSE WILEY DANCKS, United States Magistrate Judge

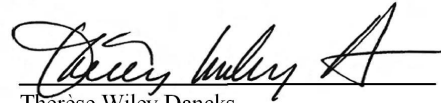
**ORDER**

The Court has reviewed Docket Number 49. A Report-Recommendation on Defendant's motion to dismiss (Dkt. No. 49) is deferred. On or before May 29, 2015, Plaintiff is to reimburse Defendant for the \$150.00 in expenses incurred as a result of Plaintiff's failure to appear at his deposition. In entering this Order, the Court finds that Plaintiff's failure to appear was not substantially justified and that no other circumstances make an award of expenses unjust. Fed. R. Civ. P. 37(b)(2). If Plaintiff complies with this Order, the Court will recommend denial of the motion to dismiss. If Plaintiff does not comply with this Order, the Court will recommend that

the motion to dismiss be granted. Defendant is to file a status report on or before June 5, 2015, advising the Court whether Plaintiff has complied with this Order.

**IT IS SO ORDERED.**

Dated: April 28, 2015  
Syracuse, New York

  
Therèse Wiley Dancks  
United States Magistrate Judge