Ferrer v. Racette et al Doc. 104

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

RODNEY FERRER,

Plaintiff,

- V -

Civ. No. 9:14-CV-1370 (GTS/DJS)

STEVEN RACETTE, et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

OFFICE OF JESSICA M. GORMAN

Attorney for Plaintiff 74 Chapel Street, 2d Floor Albany, New York 12207 JESSICA M. GORMAN, ESQ.

HON. ERIC T. SCHNEIDERMAN

Attorney General of the State of New York

Attorney for Defendants Racette, Kelly,

Goodman, Waite, and Jenkins

The Capitol

Albany, New York 12224

CATHY Y. SHEEHAN, ESQ. ORIANA L. CARRAVETTA, ESQ. Assistant Attorney Generals

LAMARCHE, SAFRANKO LAW FIRM

Attorney for Defendant Fraizer 1539 Crescent Road P.O. Box 5437 Clifton Park, New York 12065 ANDREW R. SAFRANKO, ESQ.

HARRIS, CONWAY LAW FIRM

Attorney for Defendant Livermore
The Patroon Building
5 Clinton Square
Albany, New York 12207

RYAN T. DONOVAN, ESQ.

LIPPES MATHIAS WEXLER FRIEDMAN LLP

Attorney for Defendants and Counter Claimants Beecher, Burch, and McClenning 54 State Street, Suite 1001 JEFFREY P. MANS, ESQ.

Albany, New York 12207

DANIEL J. STEWART

United States Magistrate Judge

ORDER

As part of the Court's prior Decision & Order, dated September 19, 2016, Dkt. No. 92,

Counsel for the Plaintiff was instructed to obtain and to provide to Chambers the mental health

records for Mr. Ferrer from August 15, 2011 through November 15, 2011. On or about October

13, 2016, the requested mental health records, ranging approximately fifty pages, were provided

to the Court. An *in camera* review of Plaintiff's mental health records reflected three entries

that relate to the sole issue identified by the Court as relevant, namely Plaintiff's complaints of

staff treatment during the general time period of September of 2011. The Court has redacted

the entries (dated August 31, 2011, September 14, 2011, and October 25, 2011) so that only the

Plaintiff's specific report is disclosed. Plaintiff's Counsel is directed to retrieve the complete

mental health records as well as the redacted copies of the relevant entries, and shall

immediately provide the redacted copies to the Counsel for the remaining Defendants.

IT IS SO ORDERED.

Date: November 4, 2016

Albany, New York

Magistrate Judge