

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ANTHONY RUCANO,

No. 9:16-CV-438 (MAD/ATB)

Plaintiff,

v.

MICHAEL KIRKPATRICK, et al.,

Defendants.

ANTHONY RUCANO, Plaintiff *Pro Se*

CHRISTOPHER J. HUMMEL, ASST. ATT'Y GEN., for Defendant

ANDREW T. BAXTER, U.S. MAGISTRATE JUDGE

ORDER

On March 9, 2018, this court conducted a stenographically-recorded telephone conference in the above-captioned matter, during which it addressed plaintiff's most recent motion to compel (Dkt. No. 119), and defendants' responsive papers (Dkt. No. 120). Based on the submissions of parties and their arguments on the record, for the reasons stated on the record by the court during the conference, and subject to the further guidance provided by the court during that conference:

IT IS HEREBY ORDERED that plaintiff's motion to compel (Dkt. No. 119) is **GRANTED IN PART**, in that, by April 13, 2018:

1. To the extent not previously produced, defendants are directed to disclose to plaintiff (a) any directives, memoranda, e-mails, or other documents reflecting policies or practices of DOCCS or its Clinton, Great Meadow, or Upstate Correctional Facilities regarding the scheduling of dental appointments, that were in effect during the time period

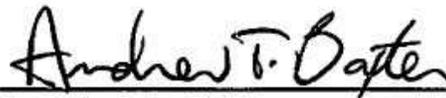
relevant to plaintiff's Fourth Amended Complaint;¹ and (b) any Dental Waiting List referencing plaintiff from Upstate Correctional Facility during the time period relevant to the Fourth Amended Complaint.²

2. Defendant Barney is directed to supplement her responses to Interrogatory Nos. 1 and 3 from plaintiff's December 25, 2017 demands.

Plaintiff's motion to compel (Dkt. No. 119) is otherwise **DENIED** for the reasons stated on the record by the court during the March 9, 2018 conference. It is further

ORDERED that discovery remains open only for the limited purpose of the defendants complying with this order, and that the dispositive motion deadline is reset to May 11, 2018.

Dated: March 9, 2018



Hon. Andrew T. Baxter
U.S. Magistrate Judge

¹ Defense counsel is directed to request copies of such documents from the office of the Director of Dental Services, DOCCS Central Health Services in Albany.

² Redactions related, *e.g.*, to the names of other inmate patients on a Dental Waiting List, would be appropriate.