

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

KERRY KOTLER,

Plaintiff,

9:17-CV-394 (GTS/ML)

-vs-

JEFFREY NOWICKI, *Chief of Mental Health Treatment Services, Central New York Psychiatric Center*; EMILY GRAY, *Primary Therapist, Central New York Psychiatric Center*; MARK CEBULA, *Treatment Team Leader, Central New York Psychiatric Center*; and DR. TERRY MAXYMILLIAN, *Director of Treatment Services, Central New York Psychiatric Center*,

Defendants.

ORDER

Kerry Kotler, plaintiff in the above entitled action, has been directed to appear at the James Hanley Federal Building, 100 South Clinton Street, in SYRACUSE, New York, on **May 10, 2021, at 8:30 AM** for the purpose of attending a trial relative to the above entitled case. It appears that Kotler is presently incarcerated at Central New York Psychiatric Center (“CNYPC”), located in Marcy, New York. It is necessary that a Writ of *Habeas Corpus Ad Testificandum* be issued for the purpose of securing Kotler’s presence at said proceeding. While New York State is required to advance the costs

of Kotler's transportation, these costs shall be repaid to the state from the monetary award, if any, recovered by Hunter at trial.

Accordingly, it is hereby

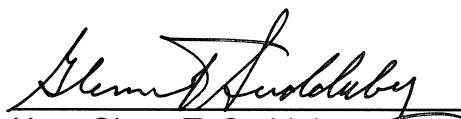
ORDERED, that the clerk of the court issue a Writ of *Habeas Corpus Ad Testificandum* directing the United States Marshal for the Northern District of New York, or his deputies, to serve upon the Executive Director at CNYPC, this Writ of *Habeas Corpus* to deliver Kotler, dressed in civilian attire, to the James Hanley Federal Building in SYRACUSE, New York, at **8:30 a.m. on May 10, 2021**, and any recessed date thereafter (trial is expected to last 2-3 days); and it is further

ORDERED, that New York State shall advance the cost of Kotler's transportation, which shall be repaid to the state from the monetary award, if any, recovered by Kotler at trial; and it is further

ORDERED, that the original and certified copy of said Writ be delivered to the United States Marshal or his authorized deputy for service upon the named detention facilities stated herein to serve as notice to prepare Kotler for transport; and it is further

ORDERED, that in the event the action is settled prior to trial, it shall be incumbent upon defendants or their authorized representative to notify

the designated institution where Kotler is housed and cancel such Writ to produce.


Hon. Glenn T. Suddaby
Chief U.S. District Judge

Dated: April 9, 2021
Syracuse, New York