

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

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NURY VASCONCELLOS,	:	
	:	
Plaintiff,	:	05 Civ. 10479 (GBD) (HBP)
	:	
-against-	:	OPINION
	:	<u>AND ORDER</u>
THE MOUNT SINAI MEDICAL CENTER,	:	
	:	
Defendant.	:	

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PITMAN, United States Magistrate Judge:

On December 3, 2009 I held a status conference in this employment discrimination action at which plaintiff advised me that despite the fact that the action had been pending since December 31, 2005, she had still not completed discovery. When I inquired why she had not completed discovery, she claimed she had been too sick to do so, and that she was still seeking to conduct a number of depositions. By an Order dated December 4, 2009, I directed plaintiff to submit medical documentation to support her claim that she had been too sick to complete discovery during the time this action had been pending.

On January 15, 2010, plaintiff made her submission. Plaintiff submitted no records for 2006 or 2007. Although the records plaintiff submitted established the existence of chronic conditions, such as asthma and anxiety attacks, and they do document a number of emergency room visits, they do not establish

that plaintiff was too ill to complete discovery. There is no medical evidence of protracted hospitalizations or protracted periods in which plaintiff was housebound or protracted periods of limited activity. The records simply do not establish that plaintiff was so sick for the four years this action was pending that she was unable to complete discovery.

I have not overlooked the fact that plaintiff is proceeding pro se and that a federal law suit is a difficult undertaking for most pro se litigants. However, a discovery period of four-years duration is more than adequate to compensate for plaintiff's pro se status. Like all litigants, plaintiff is entitled to a fair amount of time to prepare her case, but in the absence of profoundly serious limitations -- which do not exist here -- four years is more than fair.

Accordingly, plaintiff's application for a further extension of time to complete discovery is denied. All summary judgment motions are to be served and filed no later than April 12, 2010. Opposition papers are to be served and filed no later

than May 12, 2010, and reply papers are to be served and filed no later than May 26, 2010.

Dated: New York, New York
March 10, 2010

SO ORDERED


HENRY PITMAN
United States Magistrate Judge

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