



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
: KENNETH BAILEY,
:

Plaintiff, : 08 CV 8563 (JSR)
:

-v- :
:

GEORGE PATAKI, et al., :
:

Defendants. :
----- X
----- X

GEORGE BROOKS, :
:

Plaintiff, : 08 CV 8665 (JSR)
:

-v- :
:

GEORGE PATAKI, et al., :
:

Defendants. :
----- X
----- X

JORGE BURGOS, JR., :
:

Plaintiff, : 08 CV 8924 (JSR)
:

-v- :
:

GEORGE PATAKI, et al., :
:

Defendants. :
----- X

ORDER

JED S. RAKOFF, U.S.D.J.

On October 15, 2009, the Court entered a temporary protective order precluding disclosure of certain portions of the deposition testimony from the three plaintiffs in the above-captioned matters. On November 19, 2009, the Court heard oral argument on defendants' motion to vacate the temporary protective order.

For the reasons stated by the Court, see transcript 11/19/09, and after balancing the concerns of all parties as well as the public, the Court hereby modifies the protective order as follows: the deposition testimony of each of the above-named plaintiffs can be made available to the state attorneys involved in any legal proceeding regarding the corresponding plaintiff conducted pursuant to Article 10 of the New York State Mental Hygiene Law, provided that proffered portions of such deposition testimony can only be introduced in a given proceeding if the judge presiding at that proceeding makes a determination that it is admissible for the purpose of impeaching plaintiff's testimony in that proceeding.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
November ~~22~~, 2009