UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GARY MILLER,

Plaintiff,

v.

BERN LOIBL, SHERRY-STAFFORD LOIBL, and INTERNATURALLY, INC.,

Defendants.

11 Civ. 2182

OPINION

Before the court is a motion to reconsider its March 13, 2013 decision imposing sanctions on plaintiff for seeking to produce a central piece of evidence in this case – copies of the allegedly infringed films – only after the close of discovery and after defendants had moved for summary judgment.

Plaintiff correctly points out that the court, in so ruling, cited an inapposite rule of civil procedure, Fed. R. Civ. P. 37(c)(1). The rule actually implicated here is a different section of rule 37, rule 37(b)(2)(a), as well as rule 16(f), for violation of the discovery deadline agreed to by the parties and approved by the court on November 22, 2011.

This has no effect, however, on the substance of the court's previous ruling. Therefore, the motion for reconsideration is denied.

Dated: New York, New York
May 23, 2013

Thomas P. Griesa
United States District Judge