

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARY TARDIF,

Plaintiff,

-v-

CITY OF NEW YORK,

Defendant.

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KIMBA M. WOOD, United States District Judge:

Defendant has indicated its intention to introduce evidence of a past felony conviction of Dr. Ranga C. Krishna (ECF No. 469), an expert whom Plaintiff plans to call to testify. Plaintiff objects that evidence concerning the conviction should be precluded. (ECF No. 488.) Because this conviction occurred more than ten years ago, its admissibility is governed by Rule 609(b) of the Federal Rules of Evidence. The Second Circuit has instructed that a district judge may admit a conviction pursuant to this rule only after “mak[ing] an on-the-record determination supported by specific facts and circumstances that the probative value of the evidence substantially outweighs its prejudicial effect.” *Jones v. N.Y.C. Health & Hosps. Corp.*, 102 F. App’x 223, 226 (2d Cir. 2004) (quoting *United States v. Mahler*, 579 F.2d 730, 736 (2d Cir. 1978)).

The Court will conduct a voir dire examination of Dr. Krishna to elicit further information about the facts and circumstances of his conviction. The Court expects to conduct voir dire of Dr. Krishna after the close of trial proceedings on the trial day prior to the day on

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13-CV-4056 (KMW)

**ORDER**

which Plaintiff will call Dr. Krishna to testify; counsel are welcome to conduct their own voir dire of Dr. Krishna at that time.

SO ORDERED.

Dated: New York, New York  
June 6, 2022

*/s/ Kimba M. Wood*  
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KIMBA M. WOOD  
United States District Judge