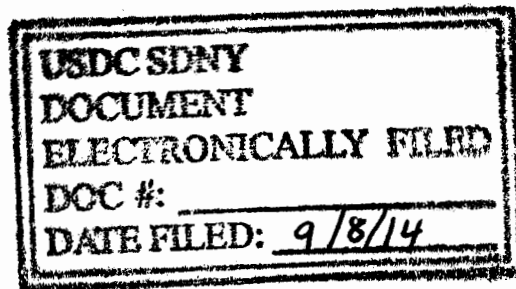


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X

OTIS A. DANIEL, :

Plaintiff, :

-against- :

T & M PROTECTION RESOURCES LLC, :

Defendant. :

-----X

12 Civ. 4384 (PAE) (HBP)

OPINION
AND ORDER

PITMAN, United States Magistrate Judge:

By notice of motion dated August 22, 2014 (Docket Item 82), plaintiff moves to compel defendant to submit certain audio recordings to the Court in connection with defendant's motion for summary judgment. For the reasons set forth below, plaintiff's motion is denied.

Each party to a litigation has the right to determine the content of its submissions to the court. Just as plaintiff has the right to determine the content of his submissions to the Court, the defendant has the parallel right to determine the content of its submissions. Neither side has the right to tell the other what it should submit to the Court. Accordingly, there is no legal basis on which I can order the defendant to submit any specific evidence to the Court.

If plaintiff believes the recordings are essential to the fair consideration of the pending motion for summary judgment, he should make an application to Judge Engelmayer (on notice to defendant) for permission to file sur-reply papers, and if that permission is granted, he should submit appropriately authenticated transcripts of the recordings with his sur-reply papers.

Dated: New York, New York
September 8, 2014

SO ORDERED



HENRY PITMAN
United States Magistrate Judge

Copies transmitted to:

Mr. Otis A. Daniel
P.O. Box 1231
New York, New York 10150

Anthony Paduano, Esq.
Leonard Weintraub, Esq.
Paduano & Weintraub
9th Floor
1251 Avenue of the Americas
New York, New York 10020