

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KELLY PRICE,

Plaintiff,

-v.-

THE CITY OF NEW YORK, *et al.*,

Defendants.

15 Civ. 5871 (KPF)

**ORDER**

KATHERINE POLK FAILLA, District Judge:

Plaintiff filed the operative Fourth Amended Complaint on May 26, 2017. (Dkt. #69). On June 2, 2017, the Court issued a *Valentin* order, directing the Metropolitan Transportation Authority (“MTA”) to “ascertain the identities of the Jane Doe and John Doe Defendants whom Plaintiff seeks to sue here and the addresses where these Defendants may be served” and to “provide this information to Plaintiff and the Court within 60 days of the date of this Order.” (Dkt. #72). The order stated that the “Court will then deem the Complaint amended to name the John and Jane Doe Defendants.” (*Id.*). Plaintiff did not obtain the identities of the Jane Doe and John Doe Defendants directly from the MTA, but has since discovered the names of such defendants via a FOIL request and response to a third-party subpoena directed to the MTA. (Dkt. #141).

The MTA does not oppose the substitution of names for the John and Jane Doe Defendants. (Dkt. #142). Accordingly, the Court grants Plaintiff’s motion to substitute the names Stephen Mears and Alison Schmitt for the

John Doe and Jane Doe Defendants, respectively, and deeming the Fifth Amended Complaint (Dkt. #140-1), the operative complaint in this case.

The Clerk of Court is respectively ORDERED to amend the case caption in accordance with the Fifth Amended Complaint.

SO ORDERED.

Dated: November 18, 2019  
New York, New York



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KATHERINE POLK FAILLA  
United States District Judge