

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKMARIANNE O’TOOLE, et al.,

Plaintiffs,

-v-

CITY OF NEW YORK, et al.,

Defendants.

CIVIL ACTION NO. 15 Civ. 6885 (LTS) (SLC)

**ORDER****SARAH L. CAVE**, United States Magistrate Judge.

The Court held a telephone conference in this matter today, Monday, February 12, 2024, at 10:00 a.m. (See ECF Nos. 374–75 (the “Conference”)). John Scola, Jr, counsel for Plaintiffs, appeared at the Conference. Stephen Suhovsky, counsel for Defendants, did not appear. After waiting until 10:12 a.m. for Mr. Suhovsky to appear, the Court concluded the Conference.

Based on statements Mr. Scola made during the Conference, the Court understands that (i) Mr. Suhovsky is no longer employed by the Office of the Corporation Counsel and no longer represents Defendants in this case, (ii) the new attorney representing Defendants is Ernst Bonaparte, who has not entered an appearance, and (iii) although discovery closed on July 15, 2020 (ECF No. 216; see ECF No. 265 (reopening fact discovery on February 5, 2021 for a limited purpose); see also 351 (denying without prejudice Plaintiffs’ request to brief the Court on certain issues, and holding that “[a]ny outstanding discovery . . . issues shall be addressed following resolution of Plaintiffs’ motion for leave to amend”)), Plaintiffs have propounded additional discovery requests to Defendants that remain outstanding. Accordingly, the Court orders as follows:

1. In the event that Mr. Suhovsky no longer represents Defendants in this case, by **February 16, 2024**, he shall file a motion to withdraw his appearance.
2. In the event that Mr. Bonaparte now represents Defendants in this case, by **February 16, 2024**, he shall file a notice of appearance.
3. By **February 26, 2024**, the parties shall meet and confer and file a joint letter (i) presenting any open discovery issues, and (ii) setting forth their position(s) as to whether a settlement conference would be productive, i.e., whether the parties' settlement positions have materially changed since the last settlement conference on August 15, 2022 such that the parties believe the Court's assistance maybe helpful in achieving a settlement.
4. By **February 13, 2024**, Mr. Scola shall email this Order to Mr. Suhovsky and Mr. Bonaparte.

Dated: New York, New York  
February 12, 2024

SO ORDERED.

  
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SARAH L. CAVE  
United States Magistrate Judge