

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EDUARDO NEGRETE AND GERVASIO NEGRETE,

Plaintiffs,

- against -

15 Civ. 7250 (RWS)

OPINION

CITIBANK, N.A.,

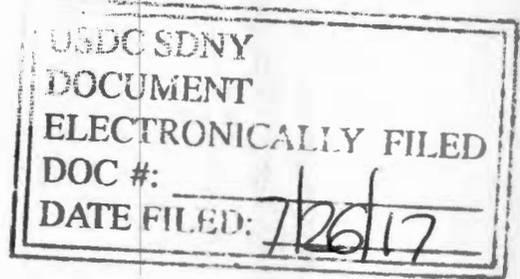
Defendant.

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A P P E A R A N C E S:

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Sweet, D.J.

Defendant Citibank, N.A. ("Citibank" or the "Defendant"), by a letter to the Court treated as a motion to compel, has sought document production from Plaintiffs Eduardo and Gervasio Negrete (the "Negretes" or the "Plaintiffs"). For the foregoing reasons, Defendant's motion is granted.

Prior Proceedings

The factual background and prior proceedings of this matter have been set forth in previous opinions by this Court. See, e.g., Negrete v. Citibank, N.A., 187 F. Supp. 3d 454, 459-61 (S.D.N.Y. 2016); Negrete v. Citibank, N.A., No. 15 Civ. 7250 (RWS), 2017 WL 758516, at *1-5 (S.D.N.Y. Feb. 27, 2017). Familiarity is assumed.

Defendant's letter dated March 29, 2017, requesting a discovery conference pursuant to Local Rule 37.2, (Dkt. 81), was treated as a motion to compel by the Court on March 31, 2017, (Dkt. 83). The motion was heard and marked fully submitted on April 12, 2017.

On July 11, 2017, Plaintiffs' motion to certify certain dismissed claims from their amended complaint as partial judgments final orders was denied. (See Dkt. 92.)

No resolution of the Defendant's letter motion or any discovery plan has been reported to the Court at present.

Applicable Standard

Rule 26 "create[s] many options for the district judge . . . [to] manage the discovery process to facilitate prompt and efficient resolution of the lawsuit." Crawford-El v. Britton, 523 U.S. 574, 599 (1998). It "vests the trial judge with broad discretion to tailor discovery narrowly and to dictate the sequence of discovery." Id. at 598. The district court may expand or limit the permitted number and time limits of depositions, direct "the time, place, and manner of discovery, or even bar discovery on certain subjects," and may "set the timing and sequence of discovery." Id. at 598-99; Fed. R. Civ. P. 26(b)(2)(A).

Consequently, the Court has wide discretion in deciding motions to compel. See Grand Cent. P'ship Inc. v. Cuomo, 166

F.3d 473, 488 (2d Cir. 1999). Federal Rule of Civil Procedure 26 states:

Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense-including the existence, description, nature, custody, condition, and location of any documents or other tangible things and the identity and location of persons who know of any discoverable matter. For good cause, the court may order discovery of any matter relevant to the subject matter involved in the action.

Fed. R. Civ. P. 26. If a party objects to discovery requests, that party bears the burden of showing why discovery should be denied. Freydl v. Meringolo, No. 09 Civ. 07196 (BSJ) (KNF), 2011 WL 256608-7, at *3 (S.D.N.Y. June 16, 2011).

Defendant's Motion To Compel Is Granted

Plaintiffs will comply with the document request relating to the contract within 20 days or such other time as counsel agree upon. Although the demand appears to be narrowly drawn, Plaintiffs are granted leave within the same timeframe to move to vacate this order in the event a meet and confer does not resolve any objections.

The parties will also meet and confer on a discovery plan and a schedule to resolve any issues upon which agreement cannot be reached.

It is so ordered.

New York, NY
July 26 2017



ROBERT W. SWEET
U.S.D.J.