

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
MARGARET RHEE-KARN,

Plaintiff,

- against -

SUSAN CHANA LASK, ESQ., A/K/A SUSAN
LUSK, A/K/A SUSAN LESK,

Defendant.

USDC SDNY
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15-CV-9946 (RWL)

ORDER**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

This order addresses the subject of the parties' correspondence at Dkt. 419 and 423 – the extent to which Plaintiff may introduce evidence and cross-examine concerning Defendant's credentials, marketing, and related matter that Plaintiff contends goes to Defendant's credibility.

Plaintiff once again ignores the scope of trial. Trial will resolve a narrow issue: compensatory damages for time expended in connection with the First Federal Action and the extent to which the work performed during that time was reused and saved time in the Second Federal Action. Plaintiff may of course impeach Defendant with prior inconsistent statements (i.e., inconsistent with the testimony she presents at trial) (see Fed. R. Ev. 801(d)(1)(A); see also Fed. R. Ev. 613) and cross-examine Defendant about her time entries and the work she did or did not perform. The collateral matters on which Plaintiff focuses (e.g., bases for Plaintiff's reliance on Defendant in retaining her in the first place), however, are off limits as their limited relevance is outweighed by the prejudice that will be incurred by, *inter alia*, confusing the jury about the issues they are to resolve. Fed. R. Ev. 403; see also Fed. R. Ev. 608(b). However, to the extent Defendant opens

the door to the purported credibility issues raised by Plaintiff, Plaintiff will be permitted to cross-examine commensurately.

Further, there is no basis for punitive damages or proof pertaining to same: on the merits, which already have been resolved, Defendant was found to have been negligent and nothing more.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: November 15, 2023
New York, New York

Copies transmitted this date to all counsel of record.