



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES LASTRA,

Plaintiff,

- against -

CITY OF NEW YORK, et al.,

Defendants.
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16-CV-3088 (JGK) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves the issues addressed in this Court’s March 12, 2021 order (Dkt. 246).

1. Discovery shall be reopened to allow for an opportunity to complete taking of depositions. Although discovery closed on August 31, 2020, Judge Koeltl recognized that the schedule would “have to be reset” in light of his order issued on September 18, 2020, resolving a discovery issue regarding material (patrol officer guides) that Plaintiff sought to use with depositions of Defendants. (Dkt. 221 at 4.) Having filed his objections leading to Judge Koeltl’s order (which overruled those objections) on July 21, 2020, Plaintiff could have requested at that time, or at any time prior to expiration of discovery on August 31, 2020, that the discovery deadline be extended in light of his having filed objections on which Judge Koeltl would need to rule. But the Court will not hold Plaintiff at fault in that respect inasmuch the discovery deadline set by this Court also was the subject of Plaintiff’s objections. As for the period preceding Plaintiff’s objections, as early as December 2018, Plaintiff was relatively diligent in pressing for depositions of Defendants – albeit without need for the patrol guide. Accordingly, discovery will be reopened so that

the parties have the opportunity to complete depositions. The new and final fact discovery deadline is June 15, 2021.

2. Plaintiff is reminded that in noticing and taking depositions, he must adhere to the procedures previously delineated by the Court at Dkts. 139 and 173 ¶¶ 4. And because pandemic conditions continue, depositions shall be conducted remotely, unless the parties agree otherwise. An example of stipulated conditions for remote depositions is available on this Court's website page. Plaintiff must make the arrangements for any depositions he plans to take, and must do so in cooperation with defense counsel.

3. Defendants are relieved from the order requiring identification of the John Doe officer that has been the subject of dispute. Defendants have demonstrated that the officer Plaintiff has identified in a photograph was not present at the incident that is the subject of this case. (Dkt. 247.) Defendants have otherwise made sufficient efforts to identify the purported additional John Doe officer.

4. Plaintiff's request for another conference (Dkt. 252) is denied as moot.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
April 7, 2021

Copies transmitted to all counsel of record and to pro se Plaintiff James Lastra.