



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.

Per the conference held on August 9, 2021,

1. Plaintiff's request in his letter filed July 27, 2021 (Dkt. 295) for the production of certain purported evidence discussed during the deposition of Officer Edmonds – and which Plaintiff contends does not exist and never existed – is DENIED. Defendants represent that they do not have possession, custody, or control of the alleged item (an "inactive warrant") but have not been able to conduct a complete search in the absence of a completed authorization from Plaintiff that would permit access to sealed material. The issue of the purported "inactive warrant," and whether there ever was one, has been addressed earlier in this litigation. The discovery deadline, except for taking of three depositions that have now occurred, expired many months ago, and any issues regarding document discovery could and should have been raised during that time. The consequences of the state of the record with respect a purported "inactive warrant" will be dealt with at the appropriate juncture.

2. Plaintiff's request that Defendants' July 30, 2021 letter (Dkt. 297), or portions thereof, be removed or sealed is DENIED.

3. Plaintiff shall provide Defendants with (i) a recording of the deposition of Officer Pennant and (ii) certified transcripts of the depositions of Officer Pennant and Sergeant Basler no later than **September 30, 2021**. Consistent with the Court's last order (Dkt. 291), Plaintiff's failure to produce the recording and certified transcript of any witness by that deadline will preclude him from using that deposition testimony in the future.

4. Defendants' request that the Court revise its order at Dkt. 291 is DENIED.

5. The time for Defendants to make a dispositive motion for summary judgment is extended to **October 30, 2021**.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: August 9, 2021
New York, New York

Copies transmitted this date to all parties of record via ECF.