

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STEVEN HUTTER,

Plaintiff,

v.

COMMISSIONER DORA SCHRIRO, et
al.,

Respondents.

16 Civ. 6586 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:


The parties appeared telephonically before the Court on July 21, 2021 for a conference. It was agreed that:

- The City shall provide Mr. Hutter with the name of the officer whose shield number Mr. Hutter describes in his letter of March 25, 2021, (see dkt. no. 286 at 2). The City also shall provide Mr. Hutter with the name of the RNDC receiving room captain, (see dkt. no. 256 at 3), to the extent the City can discern the identity of the officer based on the information that Mr. Hutter has provided.
- Mr. Hutter's interrogatories as to the named defendants (dkt. no 176) and Mr. Alkinston (dkt. no. 164) shall be considered served as of July 21, 2021.
- The Court will construe Mr. Hutter's filings at docket entries 289 and 292 as motions but, based on counsel's representation that the City is not withholding information on the basis of the objections it has lodged in its interrogatory responses, will consider those motions moot. The Clerk of Court shall close those motions.
- Mr. Hutter shall file his Fourth Amended Complaint no later than August 23, 2021. As discussed at the July 21 conference, Mr. Hutter shall substitute as a defendant the warden who served at the time of the alleged incidents. The City has no objection to Mr. Hutter's making this substitution.

- The Court will consider Section 2.A of Mr. Kaufman's letter of August 28, 2020 as Defendants' motion to dismiss Mr. Hutter's claims arising out of the conditions of the RNDC bathroom. Mr. Hutter shall provide his response to this motion no later than two weeks after he files his Fourth Amended Complaint.
- The Court will consider docket number 290 as the City's motion to dismiss the Riker's medical personnel from the case. After Mr. Hutter files his Fourth Amended Complaint, Counsel for the City shall inform the Court whether the City intends to amend or supplement that motion. The Court then will set a deadline for Mr. Hutter to provide a response.
- Counsel for the City shall update the Court by email, with Mr. Hutter in copy, within two weeks, about the possibility of executing a "Son of Sam" law waiver.
- The Court intends to schedule a settlement conference around the time of the filing of Mr. Hutter's Fourth Amended Complaint.

SO ORDERED.

Dated: New York, New York
July 26, 2021



LORETTA A. PRESKA

Senior United States District Judge