

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRIAN C. BROOK et al.,

Plaintiffs,

-v-

SIMON & PARTNERS LLP et al.,

Defendants.

CIVIL ACTION NO.: 17 Civ. 6435 (GBD) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

Pursuant to the Telephone Discovery Conference held today, November 18, 2021, (the “Discovery Conference”) the Court orders as follows:

- 1) By **Tuesday, November 23, 2021**, Plaintiffs shall file a supplemental Letter regarding their Letter-Motion to Compel (ECF No. 113 (the “Motion to Compel”)), attaching as exhibits the following supporting exhibits, for clarity of the record (the “Supplemental Letter”):
 - a. The “Basic Term Sheet” pertaining to Plaintiff Brian C. Brook’s employment, previously filed at ECF No. 62-6.
 - b. The May 23, 2012 email referenced by Plaintiffs’ counsel during the Discovery Conference concerning Brook’s continued employment at Simon & Partners LLP (“S&P”).
 - c. Transcripts of deposition testimony concerning (i) when Defendants’ reasonably anticipated litigation; and (ii) Brook’s continued employment at S&P during, and after, February 2012 (the “Deposition Transcripts”).

- d. In the event the Deposition Transcripts are not available by November 23, Plaintiffs may file the Supplemental Letter without them and file an addendum when they are available.
- 2) Defendants shall respond to Plaintiffs' Supplemental Letter by **Friday, December 3, 2021**.
 - a. Defendants' Letter should attach supporting documents addressing Plaintiffs' substantial need for the email that is the subject of the Motion to Compel.
 - 3) The parties shall order, on an expedited basis, the transcript of the Discovery Conference. To clarify the Court's instruction concerning the transcript request, the parties must submit the transcript request form to the Court's transcribers, who transcribe audio-recorded court conferences, not SDNY Court Reporters, who only fulfill orders for proceedings at which a court reporter was present.

Dated: New York, New York
November 18, 2021

SO ORDERED.



SARAH L. CAVE
United States Magistrate Judge

Request for the production of a transcript from an electronic recording

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