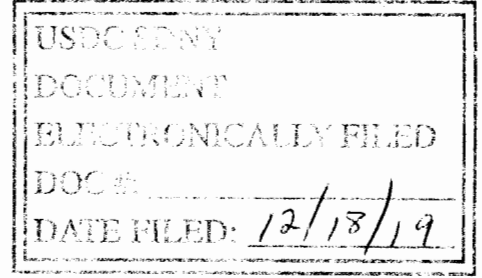


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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:
TOWAKI KOMATSU,
:
Plaintiff,
:
-v.-
:
THE CITY OF NEW YORK, et al.,
:
Defendants.
-----X

ORDER

18 Civ. 3698 (LGS) (GWG)

GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

With regard to defendants’ letter of November 20, 2019 (Docket # 275), and plaintiff’s response dated December 5, 2019 (Docket # 284), the Court rules as follows.

1. The Court denies the defendants’ motion to stay Monell discovery at this time. Whether an official policy regarding plaintiff’s treatment was the impetus behind the April 27, 2017, incident may bear upon the claims against the individual defendants as well. That being said, appropriate Monell discovery certainly does not include all aspects of any individual incidents. It instead must relate to the question of whether there was an official policy that caused plaintiff’s alleged injury. The Court makes no ruling at this time whether it will be appropriate to bifurcate this case for purposes of trial.
2. With respect to defendants’ request to deny discovery as to “unrelated matters,” the Court agrees that discovery must be relevant to the claims that have survived the motion to dismiss and only to those claims. Also, discovery requests must be not only relevant to the surviving claims but also proportional to the needs of the case. See Fed. R. Civ. P. 26(b)(1). If a document request or series of requests do not meet these criteria, the Federal Rules permit the defendants to object to the requests. See Fed. R. Civ. P. 34(b)(2)(C). Once objection is made, it will then be plaintiff’s responsibility to determine whether he has a basis to seek relief with respect to any request that has been objected to. As to any discovery disputes, the parties must follow paragraph 2.A of the Court’s Individual Practices and comply with the Court’s Order of October 31, 2019 (Docket # 261).
3. The Court notes that plaintiff’s response suggests that it would be appropriate to have the meet-and-confer required by paragraph 2.A of the Court’s Individual Practices take place in public. That is not the case. It may take place only by telephone or in the office of an attorney. If the parties cannot agree on a location, it shall take place by telephone. To

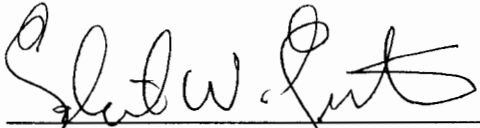
not inhibit the free flow of communication, neither side may make an audio recording of any telephone conference between the parties without all participants' written permission.

With regard to plaintiff's letter of December 16, 2019 (Docket # 293), the Court does not give legal advice. The Court's Pro Se Intake Unit has prepared a document called "Discovery Guide for Pro Se Litigants" which is available on the Court's website. In addition, the New York Legal Assistance Group ((212) 659-6190), located at Room LL22 40 Centre Street New York, NY 10007, may be able to offer assistance.

Finally, the Court notes that a number of plaintiff's submissions, such as the December 16, 2019, letter, state that the plaintiff is "order[ing]" the Court to take a particular action or actions. Litigants before the Court do not have the power to issue an order and thus do not have the power to "order" the Court to take an action. In the future, the Court will not act on any letter that contains an "order" from a party.

Dated: New York, New York
December 18, 2019

SO ORDERED:



GABRIEL W. GORENSTEIN
United States Magistrate Judge

Copy sent to:

Towaki Komatsu
802 Fairmount Place, Apt. 4B
Bronx, New York 10460

Counsel by ECF