

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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|-------------------------------|---|--|--------------------|
| ----- | X | | |
| | : | | |
| TOWAKI KOMATSU, | : | | |
| | : | | |
| Plaintiff, | : | | 18 Civ. 3698 (LGS) |
| | : | | |
| -against- | : | | |
| | : | | <u>ORDER</u> |
| THE CITY OF NEW YORK, et al., | : | | |
| | : | | |
| Defendants. | : | | |
| ----- | X | | |

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on January 15, 2021, Judge Gorenstein issued several orders regarding the procedures to be followed regarding confidential materials. Dkt. Nos. 473, 474, 475.

WHEREAS, on January 29, 2021, Judge Gorenstein issued an order denying pro se Plaintiff’s requests for reconsideration and objection to any restrictions on his use of confidential documents produced by Defendants. Dkt. No. 485.

WHEREAS, on February 5, 2021, Judge Gorenstein issued an Order denying Plaintiff’s request to stay all orders that have authorized Defendants to seek sanctions against Plaintiff for failing to comply with discovery deadlines. Dkt. No. 497.

WHEREAS, on March 18, 2021, Judge Gorenstein issued an Order concerning Plaintiff’s possible non-compliance with a prior Confidentiality Order. Dkt. No. 524.

WHEREAS, Plaintiff filed a letter on February 5, 2021, requesting reconsideration of the Order at Dkt. No. 497. Dkt. No. 500.

WHEREAS, Plaintiff filed a letter on February 8, 2021, requesting reconsideration of the Order at Dkt. No. 485. Dkt. No. 502

WHEREAS, Plaintiff filed a letter on February 8, 2021, requesting reconsideration of the Orders at Dkt. Nos. 473, 474, 475. Dkt. No. 503.

WHEREAS, Plaintiff filed letters on February 25 and 28, 2021, requesting reconsideration

of the Order at Dkt. No. 239 and requesting permission to file certain discovery document under seal. Dkt. Nos. 515, 516.

WHEREAS, Plaintiff filed a letter on March 9, 2021, requesting legal advice. Dkt. No. 519.

WHEREAS, Plaintiff filed a letter on March 13, 2021, again requesting reconsideration of the Orders at Dkt. Nos. 473, 474, 475. Dkt. No. 521.

WHEREAS, Plaintiff filed a letter on March 17, 2021, requesting permission to file a further amended complaint. Dkt. No. 522.

WHEREAS, Plaintiff filed an appeal on March 19, 2021, requesting reconsideration of the Order at Dkt. No. 524. Dkt. No. 526.

WHEREAS, Plaintiff filed a letter on March 26, 2021, requesting reconsideration of the Orders at Dkt. Nos. 239, 418. Dkt. No. 529.

WHEREAS, for objections to a Magistrate Judge's ruling on nondispositive matters, district courts must "modify or set aside any part of the order that is clearly erroneous or is contrary to law." Fed. R. Civ. P. 72(a); *accord* 28 U.S.C. § 636(b)(1)(A). "A finding is 'clearly erroneous' when, although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed." *Wu Lin v. Lynch*, 813 F.3d 122, 126 (2d Cir. 2016) (quoting *United States v. U.S. Gypsum Co.*, 333 U.S. 364, 395 (1948)). A ruling is contrary to law if it "fails to apply or misapplies relevant statutes, case law or rules of procedure." *Winfield v. City of New York*, No. 15 Civ. 5236, 2017 WL 5054727, at *2 (S.D.N.Y. Nov. 2, 2017) (internal citation omitted). "It is well-settled that a magistrate judge's resolution of a nondispositive matter should be afforded substantial deference and may be overturned only if found to have been an abuse of discretion." *Xie v. JPMorgan Chase Short-Term Disability Plan*, 15 Civ. 4546, 2018 WL 501605, at *1 (S.D.N.Y. Jan. 19, 2018) (internal citation omitted).

WHEREAS, an Order regarding the treatment of confidential documents is nondispositive. *See MacCartney v. O'Dell*, No. 14 Civ. 3925, 2017 WL 766906, at *3 (S.D.N.Y. Feb. 27, 2017).

WHEREAS, an Order granting a stay is nondispositive. *See Hatemi v. M&T Bank Corp.*, No. 14 Civ. 1103S, 2015 WL 224421, at *1 (W.D.N.Y. Jan. 15, 2015).

WHEREAS, a motion for reconsideration must be filed within fourteen days after the Court's determination of the original motion. See Local Civil Rule 6.3. It is hereby

ORDERED that the motions for reconsideration, at Dkt. Nos. 503, 515, 516, 521 and 529 are DENIED as they are untimely. It is further

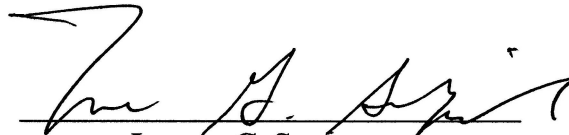
ORDERED that objections to Judge Gorenstein's, Orders, at Dkt. Nos. 500, 502 and 526 are overruled. Judge Gorenstein's Orders were not clearly erroneous or contrary to law. It is further

ORDERED that the requests to amend the Complaint, at Dkt. No. 522, and file discovery materials under seal, at Dkt. No. 515, are denied. General pre-trial requests, including permission to amend a Complaint and to file discovery materials, should be addressed to Judge Gorenstein. *See* Dkt. No. 27 (referring this matter to Judge Gorenstein for general pre-trial).

Plaintiff is advised that the Court is not permitted to provide legal advice. Pro se parties may seek legal advice through the New York Legal Assistance Group ("NYLAG") for Pro Se Litigants. NYLAG's contact information is included below.

The Clerk of Court is respectfully directed to mail a copy of this Order to the pro se Plaintiff.

Dated: March 26, 2021
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE



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