

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	18cv5820 (DLC)
MAMBU BAYOH,	:	
	:	<u>SCHEDULING ORDER</u>
Plaintiff,	:	
	:	
-v-	:	
	:	
AFROPUNK LLC, MATTHEW MORGAN and	:	
JOCELYN COOPER, individually,	:	
	:	
Defendants.	:	
	:	
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DENISE COTE, District Judge:

On January 15, 2020, defendants' motion for summary judgment was denied in part. An Order of January 16 set a schedule for further proceedings, including an April 17 date for the parties' Joint Pretrial Order ("PTO"). By a letter of March 3, the parties sought an extension of the PTO deadline to August 24. An Order of March 3 granted this request in part, extending the PTO deadline to May 22. On March 20, the parties filed a letter seeking an extension of the schedule due to the COVID-19 outbreak.

The Court takes notice that the World Health Organization has described COVID-19 as a pandemic and that New York City has declared a state of emergency.¹ Accordingly, the Court will

¹ World Health Organization, WHO Director-General's Opening Remarks at the Mission Briefing on COVID-19 (Mar. 12, 2020), <https://www.who.int/dg/speeches/detail/who-director-general-s->

grant an eight-week extension of all upcoming deadlines. Counsel should consult as to whether pretrial proceedings, including depositions and mediation, may be conducted through video conference or teleconference. It is hereby

ORDERED that, pursuant to Rules 30(b)(3) and (b)(4), Fed. R. Civ. P., all depositions in this action may be taken via telephone, videoconference, or other remote means, and may be recorded by any reliable audio or audiovisual means. This Order does not dispense with the requirements set forth in Fed. R. Civ. P. 30(b)(5), including the requirement that, unless the parties stipulate otherwise, the deposition be "conducted before an officer appointed or designated under Rule 28," and that the deponent be placed under oath by that officer. For avoidance of doubt, however, a deposition will be deemed to have been conducted "before" an officer so long as that officer attends the deposition via the same remote means (e.g., telephone conference call or video conference) used to connect all other remote participants, and so long as all participants (including

opening-remarks-at-the-mission-briefing-on-covid-19---12-march-2020; City of New York, Office of the Mayor, Mayor de Blasio Issues State of Emergency (Mar. 13, 2020), <https://www1.nyc.gov/office-of-the-mayor/news/138-20/mayor-de-blasio-issues-state-emergency>.


the officer) can clearly hear and be heard by all other participants.

IT IS FURTHER ORDERED that the following schedule shall govern the further conduct of pretrial proceedings in this case:

1. This case has been referred to mediation, with mediation to occur in **May 2020**.
2. Depositions of expert witnesses must occur by **June 19**.
3. The Joint Pretrial Order must be filed by **July 17**.

IT IS HEREBY ORDERED that the case is placed on the **August 2020** trial ready calendar. You must be ready to proceed on 24 hours notice. You may contact the Deputy Clerk, Gloria Rojas, to learn where your case stands on the calendar.

Dated: New York, New York
March 23, 2020



DENISE COTE

United States District Judge