

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KELVIN MEJIA MENDEZ and ANDRES PEREZ,  
*individually and on behalf of others similarly  
situated,*

Plaintiffs,

-v-

SWEET SAM'S BAKING COMPANY LLC (d/b/a  
Sweet Sam's Baking Company), DAVID  
GROGAN, and ESPERANZA LOPEZ,

Defendants.

18-CV-9910 (JMF)


MEMORANDUM OPINION  
AND ORDER

JESSE M. FURMAN, United States District Judge:

The parties shall appear on **January 10, 2020**, at **10:15 a.m.** in **Courtroom 1105** of the **Thurgood Marshall United States Courthouse, 40 Centre Street, New York, NY**, for oral argument on their cross-motions to disqualify and preclude. At oral argument, counsel should be prepared to address, in addition to the arguments and issues addressed in their memoranda of law, whether Mr. Androphy's testimony and email — even if relevant to Mr. Perez's credibility — are inadmissible under Rule 608(b) of the Federal Rules of Evidence as extrinsic evidence of specific conduct. *See, e.g., Lewis v. Baker, 526 F.2d 470, 475 (2d Cir. 1975)* ("The relevancy of testimony which aids in the jury's determination of a party's credibility and veracity has been repeatedly affirmed. Although an opponent is not permitted to adduce extrinsic evidence that a party lied on a previous occasion, he may nonetheless ask questions to that end." (citations and internal quotation marks omitted)).

SO ORDERED.

Dated: December 26, 2019  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge