

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTOPHE BENSMAINE,

Plaintiff,

-v-

CITY OF NEW YORK, et al.,

Defendants.

CIVIL ACTION NO.: 21 Civ. 4816 (JLR) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

Pursuant to the telephone conference held today, November 18, 2022 (the “Conference”), the Court orders as follows:

1. Defendants’ renewed request to bifurcate Monell discovery (ECF No. 122) is DENIED.

Defendants argue that the “identification and production of Monell-related document discovery from” the consolidated cases pending before the Hon. Colleen McMahon and Hon. Gabriel W. Gorenstein under the In re NY City Policing During Summer 2020 Demonstrations, 20 Civ. 8924 (CM) (GWG) docket (the “Consolidated Actions”) “would impose an incredible burden[.]” (Id. at 3). That alleged burden, however, was significantly alleviated—if not entirely eliminated—by the appearance in this case by attorneys who also represent plaintiffs in the Consolidated Actions and, thus, already have access to the Monell discovery produced in those actions. (See ECF Nos. 128–130). “This suggests the burden on the [Defendants] is negligible.” Order, Rodriguez v. City of New York, No. 21 Civ. 10815 (PKC) (S.D.N.Y. Mar. 30, 2022), ECF No. 17 (denying request to reconsider denial of motion to bifurcate Monell discovery, and noting that “[c]ircumstances unique to the overlap between this action and [Consolidated Actions] make it efficient that

Monell discovery in this action that overlaps Monell discovery in [the Consolidated Actions] go forward”).

2. The parties shall promptly meet and confer regarding (i) Plaintiff’s proposed order coordinating discovery in this matter with the discovery in the Consolidated Actions (see ECF No. 104-2 (the “Coordination Order”)), specifically Paragraph No. 10, and (ii) Plaintiff’s proposed protective order (ECF No. 119-2 (the “Protective Order”)).
3. By **November 23, 2022**, the parties shall submit a joint letter with the proposed Coordination Order and Protective Order for Court approval. To the extent they are unable to agree on any provisions of either order, the parties may set forth their competing provisions without additional argument, the Court having heard the parties’ positions during the Conference.

Dated: New York, New York
November 18, 2022

SO ORDERED.



SARAH L. CAVE
United States Magistrate Judge