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November 18, 2022

BY ECF

Honorable Katharine H. Parker
United States Magistrate Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Defendant City of New York is granted leave to serve Plaintiff with identification interrogatories to assist it in complying with the Court's Valentin order. Defendant shall serve the interrogatories by **November 28, 2022**. Plaintiff shall respond to the interrogatories by **December 28, 2022**. The deadline for Defendant to comply with the Valentin order is extended to **January 27, 2023**. The City shall continue its efforts to comply with the Valentin order while it awaits a response from Plaintiff by, for example, continuing to interview DOC personnel who were on duty at the relevant time and who may have relevant information.

Re: Amaury Urena v. City of New York, et al.,
22 Civ. 4758 (JLR) (KHP)

SO ORDERED:

Katharine H. Parker
HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE

11/21/2022

Your Honor:

I represent defendant the City of New York (the "City") in the above-referenced matter.¹ The City writes to respectfully request that the Court: (1) grant the City leave to serve plaintiff with identification interrogatories in order to assist the City in its efforts to comply with the Court's Valentin Order; (2) direct plaintiff to respond to the identification interrogatories by a date certain; and (3) relieve the City of its obligation to respond to the Court's Valentin Order until thirty days after plaintiff responds to the identification interrogatories.

By way of background, plaintiff brings this action pursuant to 42 U.S.C. § 1983 against the City and unidentified New York City Department of Correction ("DOC") officers, alleging, *inter alia*, that, while being transferred between facilities on Riker's Island, he was held overnight in the "seg intake" unit at the Anna M. Kross Center ("AMKC") from 7:00 PM on April 30, 2022 until 9:00 PM on May 1, 2022 and on a bus in front of the George R. Vierno Center ("GRVC") from 9:00 PM on May 1, 2022 until 10:00 AM on May 2, 2022. (See ECF No. 2).

On June 29, 2022, the Court issued a Valentin Order, which directed this Office to "ascertain the identity and badge number of each John or Jane Doe whom Plaintiff seeks to sue here and the address where the defendant may be served" by August 28, 2022. (See ECF No. 6). On August 24, 2022, the City requested a sixty-day enlargement of time to comply with the Court's

¹ This case has been assigned to Assistant Corporation Counsel Bailey Forcier, who is awaiting admission to the New York Bar. Ms. Forcier is handling this matter under supervision and may be reached at (212) 356-5054 or bforcier@law.nyc.gov.

Valentin Order. (See ECF No. 10). On August 25, 2022, the Court extended the City's deadline to respond to the Valentin Order to September 28, 2022. (See ECF No. 12). On September 23, 2022, the City requested a thirty-day enlargement of time to comply with the Court's Valentin Order and to also extend the City's deadline to respond to the Complaint to twenty-one days after the individual defendants are served. (See ECF No. 16). On September 27, 2022, the Court extended the City's deadline to comply with the Valentin Order and respond to the Complaint to October 28, 2022. (See ECF No. 18). On October 26, 2022, the City again requested a thirty-day enlargement of time to comply with the Court's Valentin Order because of difficulties identifying the "John or Jane Doe" individuals who plaintiff seeks to sue here, and noted that it may become necessary to serve plaintiff with identification interrogatories. (See ECF No. 22). On October 31, 2022, the Court extended the City's deadline to comply with the Valentin Order and ordered: "If needed, Defendant shall seek leave to serve Plaintiff with identification interrogatories by Friday, November 18, 2022." (See ECF No. 24).

This Office has continued to work diligently to comply with the Valentin Order by, *inter alia*, communicating with numerous DOC personnel and obtaining and reviewing DOC documentation. However, despite this Office's extensive efforts it has not yet been able to identify the "John or Jane Doe" correction officers who allegedly held plaintiff in a "seg intake" unit at AMKC from 7:00 p.m. on April 30, 2022, until 9:00 p.m. on May 1, 2022, or on a bus in front of GRVC from 9:00 p.m. on May 1, 2022, until 10:00 a.m. on May 2, 2022. Accordingly, the City respectfully requests that the Court grant the City leave to serve plaintiff with identification interrogatories in order to assist the City in its efforts to comply with the Court's Valentin Order. The identification interrogatories will request that plaintiff provide, *inter alia*, identifying information such as physical characteristics of the unidentified correction officers, the number of correction officers involved, and descriptive information regarding the areas in which plaintiff's claims arose. The City respectfully notes that it is prepared to serve identification interrogatories forthwith.

To the extent the Court grants the City leave to serve plaintiff with identification interrogatories, the City further requests that the Court direct plaintiff to respond to the interrogatories by a date certain, and relieve the City of its obligation to comply with the Court's Valentin Order until thirty days after plaintiff responds to the interrogatories.

Thank you for your time and consideration.

Respectfully submitted,

/s/ Zachary Kalmbach
Zachary Kalmbach
Assistant Corporation Counsel

cc: **Via First-Class Mail**
Amaury Urena
Plaintiff pro se
NYSID: 06036513J
B&C: 2412102214
George R. Vierno Center
09-09 Hazen St.
East Elmhurst, NY 11370

DECLARATION OF SERVICE BY MAIL

I, Bailey Forcier, declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury that on November 18, 2022 I served a true and correct copy of the following documents, dated November 18, 2022: **LETTER MOTION for Discovery the City's Request for Leave to Serve Plaintiff with Identification Interrogatories (ECF No. 25)**, to plaintiff at the address below by depositing a copy of said documents, enclosed in a first class postpaid properly addressed wrapper, in a post office/official depository under the exclusive care and custody of the United States Postal Service, within the State of New York:

Amaury Urena
B&C: 2412102214
George R. Vierno Center
09-09 Hazen St.
East Elmhurst, NY 11370

Dated: New York, NY
November 18, 2022

/s/ Bailey Forcier
Bailey Forcier
Assistant Corporation Counsel
(admission pending)
Special Federal Litigation Division