

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

JASON GOODMAN,

Plaintiff,

-against-

THE CITY OF NEW YORK et al.,

Defendants.

-----X

GABRIEL W. GORENSTEIN, United State Magistrate Judge

:
:
ORDER
23 Civ. 9648 (JGLC) (GWG)

When the City filed its motion to dismiss, the City’s motion papers included a single piece of documentary evidence: a video on a CD-ROM identified as “Exhibit A,” a copy of which was delivered to Chambers (with the courtesy copies provided by the City since the CD-ROM could not be placed on the public docket). See Declaration of Mary Jane Anderson, filed Mar. 26, 2024 (Docket # 86). At the same time, the City provided notice to plaintiff, as required by Local Civil Rule 12.1, that the City had “asked the Court to decide this case without a trial, based on [] written materials” outside of the pleadings — referring necessarily to the CD-ROM. See Rule 12.1 Notice to Pro Se Litigant Who Opposes a Rule 12 Motion, filed Mar. 26, 2024 (Docket # 88).

The plaintiff’s opposition papers suggests that the video supplied by the City to the Court as “Exhibit A” is inauthentic in that it differs in some respect from the video supplied by plaintiff to the City. See Response in Opposition to Motion to Dismiss, filed May 2, 2024 (Docket # 105), at 2 (stating “Defendants have submitted select, edited portions” of the video). The City denies that it made any change to the video and asserts that it simply made a copy of the video that plaintiff had provided to the City. See Reply Memorandum of Law, filed May 9, 2024 (Docket # 107), at 1-2.

In light of the City’s representation, the Court has no basis for finding that the video supplied to the Court as “Exhibit A” differs from the video supplied by plaintiff to the City. But if plaintiff still contests this point, plaintiff may supply his own copy to the Court as explained in the footnote.¹ If, however, plaintiff no longer wishes to contest the authenticity of “Exhibit A,”

¹ If plaintiff wishes to contest the authenticity of “Exhibit A,” he must proceed as follows: (1) plaintiff must create two CD-ROMs each with an identical copy of the video at issue; (2) then, on or before May 14, 2024, plaintiff must mail or deliver one CD-ROM to counsel for the City and deliver the other CD-ROM (in an envelope addressed to the undersigned) to the Court Security Officers at 500 Pearl Street, New York, New York 10007,

he need take no action and the Court will accept that “Exhibit A” is a copy of the video as supplied by plaintiff to the City.

SO ORDERED.

Dated: May 10, 2024
New York, New York



GABRIEL W. CORENSTEIN
United States Magistrate Judge

who will deliver it to the mailroom; and (3) finally plaintiff must file a sworn statement on or before May 15, 2024, describing his compliance with the steps set forth in this footnote.