

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ROBERT BYRNE,

Plaintiff,

- against -

12CV5355 (LMS)

**YEATS CONSTRUCTION MANAGEMENT, INC.
and MONOMOY FARM LLC,**

ORDER

Defendants.

THE HONORABLE LISA MARGARET SMITH, U.S.M.J.

In connection with the Court's adjudication of an inquest on damages resulting from the default of Defendant Yeats Construction Management, Inc., Plaintiff has submitted to the Court copies of medical records as well as a July 15, 2013, assessment report from Plaintiff's orthopedic surgeon. See Byrne Aff. (Docket # 29) Exs. A (A-2 to A-7) & B. These documents are not properly authenticated, however, and therefore they cannot be considered by the Court in deciding an appropriate damages award. See, e.g., Jordonne v. Ole Bar & Grill, Inc., 13 Civ. 1573 (VB)(JCM), 2016 WL 3409088, at *6 (S.D.N.Y. Apr. 26, 2016) (medical records submitted in connection with an inquest on damages which were not properly authenticated were "inadmissible hearsay documents [that] cannot be considered in the Court's damages determination"), adopted by 2016 WL 3360524 (S.D.N.Y. June 16, 2016). Accordingly, if Plaintiff seeks to have the Court

consider these documents, then Plaintiff must submit the proper authentication for them by no later than **September 1, 2020**.

Dated: August 4, 2020
White Plains, New York

SO ORDERED,



Lisa Margaret Smith
United States Magistrate Judge
Southern District of New York