

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

Lemus,

Plaintiff,

- against -

Pezzementi, et al.,

Defendants.

15CV5592 (NSR)(LMS)

ORDER

Lisa Margaret Smith, U.S.M.J.

Plaintiff filed a response to the Court's order to show cause why the undersigned should not recommend that Judge Román deny Plaintiff's request for the entry of a default judgment awarding him money damages. Docket # 82 ("Braunstein Decl."). Counsel states in his declaration, "Plaintiff's initial submission was delayed because Mr. Lemus's Clinical Neuropsychologist was uncomfortable providing an affidavit/declaration because he had not seen Mr. Lemus in approximately three years," and "Because Mr. Lemus needs a translator, we were no [sic] able to schedule an appointment before all non-essential medical visits were cancelled." Braunstein Decl. ¶¶ 3-4. In conclusion, counsel states, "It is respectfully requested that the Court provide Mr. Lemus additional time to meet with his Clinical Neuropsychologist after the limits on non-emergent/non-essential medical care is [sic] lifted or relaxed." Id. ¶ 7.

Under the circumstances, the Court **grants** Plaintiff's request but hereby orders that Plaintiff shall provide the Court with an update **30 days from the date hereof**, informing the Court as to Plaintiff's ability to meet with his clinical neuropsychologist and when such appointment will be scheduled to occur. Although the Court understands that in-person, non-essential medical appointments have been cancelled for the time being, Plaintiff must provide the

Court with an explanation as to why he is unable to meet with his clinical neuropsychologist remotely, even though he needs a translator, who may participate remotely as well.

Dated: April 9, 2020
White Plains, New York

SO ORDERED,



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