UNITED STATES DISTRICT COURT	
SOUTHERN DISTRICT OF NEW YORK	
X	-

Kerry Kotler,

Plaintiff,

17-cv-239 (CS) (VR)

**ELECTRONICALLY FILED** 

11/7/2023

USDC SDNY DOCUMENT

DATE FILED:

DOC #:

<u>ORDER</u>

-against-

C. Boley, et al.,

Defendants.

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## VICTORIA REZNIK, United States Magistrate Judge:

By letter, dated October 16, 2023, Plaintiff, pro se, moves to reopen discovery for the limited purpose of: (1) "securing a subpoena that directs the Dutchess County District Attorney, as a non-party to the action, to produce the records said office generated and maintains regarding the incident subject of this litigation;" and (2) "direct[ing] defense counsel to disclose from where the claim that the search was due to the receipt of an 'anonymous letter,' as counsel represented on March 16, 2023" (at a prior Status Conference) or, in the alternative, to allow Plaintiff to "serve a request for [an] interrogator[y] upon the defendants to acquire such information." (ECF No. 131). Defendants oppose Plaintiff's motion. (ECF No. 134).

On November 6, 2023, the Court held a telephonic Status Conference and heard oral argument on Plaintiff's motion. For the reasons explained during the Status Conference, the Court **GRANTED** Plaintiff's motion to reopen discovery. Discovery has been reopened for the limited purpose of (1) serving a non-party subpoena on the Dutchess County District Attorney; and (2) serving a request for an interrogatory on Defendants, as discussed on the record. The Court will direct the U.S. Marshals to serve the subpoena, to be returnable in 30 days. By no

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later than December 21, 2023, the parties must submit a joint letter to the Court with an update on the status of the subpoena and the interrogatory.

## SO ORDERED.

DATED: White Plains, New York November 7, 2023

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VICTORIA REZXIR United States Magistrate Judge