

MEMO ENDORSED

BELDOCK LEVINE & HOFFMAN LLP
99 PARK AVENUE, PH/26TH FLOOR
NEW YORK, N.Y. 10016

JONATHAN MOORE
DAVID B. RANKIN
LUNA DROUBI
MARC A. CANNAN
CYNTHIA ROLLINGS
JONATHAN K. POLLACK
HENRY A. DLUGACZ
STEPHEN J. BLUMERT
MYRON BELDOCK (1929-2016)
LAWRENCE S. LEVINE (1934-2004)
ELLIOT L. HOFFMAN (1929-2016)

TEL: (212) 490-0400
FAX: (212) 277-5880
WEBSITE: blhny.com

COUNSEL
BRUCE E. TRAUMER
PETER S. MATORIN
KAREN L. DIPPOLD
MARJORY D. FIELDS
EMILY JANE GOODMAN
(JUSTICE NYS SUPREME COURT, RET.)
FRANK HANDELMAN

April 13, 2021

REF: 8258.01

WRITER'S DIRECT CONTACT:
212-277-5825
drankin@blhny.com

VIA ECF

Honorable Kenneth M. Karas
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601-4150

Re: *Lara-Grimaldi v. County of Putnam, et al.*, 17-cv-622-KMK

Your Honor:

Our firm represents the plaintiff Nancy Lara-Grimaldi in the above-referenced matter. We write at Your Honor's direction in Dkt. 140. The undersigned and the attorney for the County of Putnam have conferred and suggest the following plan to adjudicate Ms. Lara-Grimaldi's *Monell* claim.

<i>Monell</i> discovery demands:	April 27, 2021
Responses to discovery demands:	June 25, 2021
Plaintiff's expert report: ¹	August 6, 2021
Defendant's expert report:	September 6, 2021
Depositions of experts:	October 6, 2021

In order to efficiently litigate Ms. Lara-Grimaldi's claims she suggests Your Honor enter partial judgment pursuant to Fed. R. Civ. P. 54 (b) on the dismissal of the deliberate indifference claims. The basis for that application will essentially be that should the Second Circuit reverse, there is an eventuality where the *Monell* claim would be tried, and even in the event of a plaintiff's verdict there would be an appeal, and then a second trial to determine the appropriate amount of punitive damages, if any, against the individual defendants. The parties propose the following briefing scheduled to litigate the Rule 54(b) issue, should Your Honor be willing to entertain that application.

Plaintiff's motion:	May 17, 2021
Defendants' response:	June 14, 2021
Plaintiff's reply:	June 28, 2021

¹ The parties understand this to mean all experts including damage experts.

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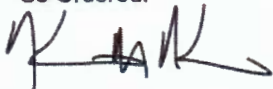
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These suggestions take into consideration that the undersigned will be conducting the trials of *Thomas v. McManus et al.*, 17-cv-04025-JCM (S.D.N.Y.) commencing on April 28, 2021 and *Davis v. New York State Department of Corrections, et al.*, 16-cv-01474-TJM (N.D.N.Y.) commencing on June 14, 2021.

We thank Your Honor for Your continued attention in this matter.

The schedule is approved. No extensions will be granted.

So Ordered.



4/15/21

Respectfully submitted,



David B. Rankin