

The Law Office of D. Jen Brown, PLLC  
 PO Box 2238, Poughkeepsie, NY 12550

Phone 845 454 0835

Fax 845 454 0836

August 11, 2021

Hon. Phillip M. Halpern, USDJ  
 Federal Courthouse  
 300 Quarropas Street, Room 530  
 White Plains, New York 10601

Re: Nelson Murray v. Dutchess County  
 7:17-cv-09121

Dear Judge Halpern,

The Court construes Plaintiff's request for a pre-motion conference (Doc. 94) as a motion to compel Ms. Blackburn's deposition under Federal Rule of Civil Procedure 37. See *In re Best Payphones, Inc.*, 450 F. App'x 8, 15 (2d Cir. 2011) (upholding construction of pre-motion letter as motion).

The application is DENIED.

The Clerk of the Court is respectfully directed to terminate the motion sequences pending at Doc. 94 and Doc. 96.

SO ORDERED.



Philip M. Halpern  
 United States District Judge

Dated: White Plains, New York  
 August 23, 2021

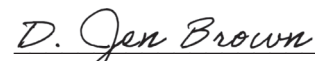
The parties have reached an impasse over the plaintiff's request to depose Caroline Blackburn Esq., a former line attorney for Dutchess County.<sup>1</sup> The defendants decline to produce Ms. Blackburn, but they do not identify a privilege that would entitle them to a protective order.

The parties have conferred (as set forth in the attached correspondence) but are unable to resolve the dispute. Time is of the essence as the deadline for completing fact discovery is **August 31, 2021**. Accordingly, this letter is a joint request for a pre-motion conference.

"The party seeking a protective order bears the burden of establishing that good cause for the order exists." *Duling v. Gristede's Operating Corp.*, 266 F.R.D. 66, 71 (S.D.N.Y. Mar. 30, 2010). "Good cause is established by 'demonstrating a particular need for protection.'" Id. (quoting *Cipollone v. Liggett Group, Inc.*, 785 F.2d 1108, 1121 (3d Cir. 1986)). "Ordinarily, good cause exists 'when a party shows that disclosure will result in a clearly defined, specific and serious injury.'" *In re Terrorist Attacks on Sept. 11, 2001*, 454 F. Supp. 2d 220, 222 (S.D.N.Y. 2006) (quoting *Shingara v. Skiles*, 420 F.3d 301, 306 (3d Cir. 2005)).

Email [JenBrown@DJenBrownESQ.com](mailto:JenBrown@DJenBrownESQ.com)

The Law Office of D. Jen Brown, PLLC

  
 D. Jen Brown, Esq.

Attachments

cc: Garrett Kaske, Esq. (by ECF)  
 Kimberly Hunt-Lee, Esq. (by ECF)  
 Mr. Nelson Murray

<sup>1</sup> Ms. Blackburn has since been elevated to the position of County Attorney.