

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADRIAN SCHOOLCRAFT, 10CV6005(RWS)

Plaintiff, **Rule 26(f)(3)**
-against- **Amended Discovery Plan**

THE CITY OF NEW YORK, et al.,
Defendants.

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The parties submit the following Amended Discovery Plan, pursuant to Federal Rules of Civil Procedure Rule 26(f)(3).

1. Inspection of the 81st Precinct shall be held on September 19, 2013 at 11:00 a.m. It is agreed that no party will videotape or photograph anyone present within the 81st Precinct, including but not limited to police officers and any complainants, arrestees, or prisoners present.

2. Inspection of designated areas (to be agreed upon) of Jamaica Hospital shall be held, subject to confirmation, the week of October 1, 2013. It is agreed that no party will videotape or photograph anyone present within the hospital, including but not limited to physicians, nurses, other hospital workers, patients, guests or visitors.

3. The continued deposition of the plaintiff by Mauriello/City will be held on: September 26, 2013. The deposition of the plaintiff by the medical defendants shall be held on: September 27, 2013. Each deposition shall consist of a maximum of seven hours of actual testimony time.

4. The depositions of the defendants shall be held as follows. Each deposition shall consist of a maximum of seven hours of actual testimony time.

<u>Party Witnesses</u>	<u>Date of deposition</u>
Deputy Chief Michael Marino:	October 8, 2013

Deputy Inspector Steven Mauriello:	October 11, 2013
Captain Theodore Lauterborn:	October 16 , 2013
Lieutenant Timothy Caughey:	November 13, 2013
Dr. Isak Isakov:	October 30, 2013
Dr. Aldana-Bernier:	October 25, 2013
Jamaica Hospital Medical Center:	Notice to be served by plaintiff for 30(b)(6) depositions

Each deposition shall consist of a maximum of seven hours of actual testimony time. Each party maintains the right to apply to the court for additional time if this is deemed necessary by that party. It is further understood that these dates are subject to slight adjustments due to scheduling conflicts that may arise and due to the availability of witnesses.

5. Depositions of Non-Party witnesses (identified to date; does not preclude additional non-party depositions) by subpoena.

<u>Non-Party Witnesses:</u>	<u>Date of Deposition</u>
Catherine Lamstein Psy.D:	To be arranged (subpoena to be served by plaintiff)
Larry Schoolcraft	November 20, 2013 (subpoena to be served by City)

6. The handling of confidential and attorneys' eyes only confidential and/or privileged information continues to be controlled by the Stipulation and Protective Order and Attorneys' Eyes Only Stipulation and Protective Order so-ordered by the Court on October 3, 2012¹.

¹ Plaintiff states that the attorney's-eyes-only designations are too broad, improper, and are interfering with the plaintiff's ability to prepare for and participate in pre-trial proceedings. Plaintiff's counsel has raised these objections with the City Defendants and is in the process of designating the documents that the plaintiff's counsel contends should not be subject to the attorney's-eyes-only restriction. As such, the plaintiff objects to this paragraph of the discovery plan.

7. Local Rule 33.3(c) interrogatories seeking the claims and contentions of the opposing parties shall be served after the depositions of the parties are completed. Plaintiff will respond thereto within twenty days and defendants will respond within twenty days after the plaintiff's response².

8. Fact discovery shall be completed by January 10, 2014.

9. Any expert disclosure not previously made, and the depositions of experts, shall be scheduled for the two months after the fact discovery is completed. Plaintiff's expert disclosure shall be made by January 3, 2014 and defendants' expert disclosure shall be made by February 4, 2014. Depositions of plaintiff's expert(s) shall be completed by February 21, 2014 and depositions of defendants' experts shall be completed by March 5, 2014.


10. Any dispositive motions shall be served by April 7, 2014.

11. All dates in this discovery plan are subject to modification. It is expressly understood that the dates for expert discovery are preliminary and may change.

12. This document may be executed in counterparts, and signatures transmitted by facsimile or other electronic means shall have the same force and effect as if signed in the original.

Dated: New York, New York
August 23, 2013

It is so Ordered


The Hon. Robert W. Sweet, U.S.D.J.

8.30-13

² Plaintiff objects to the provision providing for contention interrogatories on the ground that they are unnecessary, unduly broad and burdensome and duplicative of other pre-trial proceedings and devises.