

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ADRIAN SCHOOLCRAFT,

10CV6005(RWS)

Plaintiff,

Rule 26(f)(3)

-against-

Amended Discovery Plan

THE CITY OF NEW YORK, et al.,

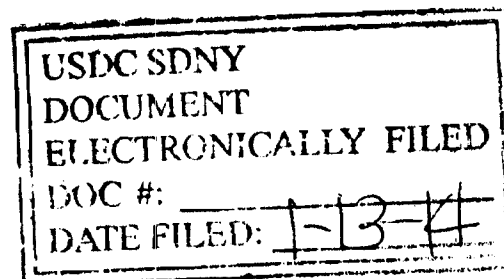
Defendants.

The parties submit the following Amended Discovery Plan, pursuant to Federal Rules of Civil Procedure Rule 26(f)(3). As there are numerous parties, and scheduling has been complicated, the defendants agree with the request for the plaintiff for a two month extension of discovery with the following schedule:

1. The depositions of the defendants not previously deposed 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 Inspector Steven Mauriello: | December 20, 2013 10:00 a.m. |
| Dr. Aldana-Bernier: | January 15, 2014 at 10:00 a.m. |
| Dr. Isak Isakov: | January 20, 22 or 24, 2014 at 10:00 a.m. |
| 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.



2. Depositions of Non-Party witnesses (identified to date; does not preclude additional non-party depositions) by subpoenas served or to be served.

| | |
|---------------------------------------|--------------------------------|
| <u>Non-Party Witnesses confirmed:</u> | <u>Date of Deposition</u> |
| PAA Boston | January 6, 2014 at 10:00 a.m. |
| Brandon DelPozo | January 10, 2014 at 10:00 a.m. |

| | |
|---|-------------------------------------|
| <u>Non-Party Witnesses not yet confirmed:</u> | <u>Subpoena date for deposition</u> |
| Rasheena Huffman | January 6, 2014 at 2:00 p.m. |
| Catherine Lamstein Psy.D: | January 8, 2014 at 10:00 a.m. |
| Elise Harlon | January 13, 2014 at 10:00 a.m. |

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.

3. 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.

4. 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

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.

after the plaintiff's response².

5. Fact discovery shall be completed by March 14, 2014.

6. 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 March 7, 2014 and defendants' expert disclosure shall be made by April 4, 2014. Depositions of plaintiff's expert(s) shall be completed by April 18, 2014 and depositions of defendants' experts shall be completed by May 2, 2014.

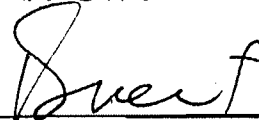
7. Any dispositive motions shall be served by June 6, 2014.

8. 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.

9. The parties have conferred on this Schedule and Agree on the provisions hereof, except as noted above, and submit same to Judge Sweet for his approval.

Dated: New York, New York
December 17, 2013

It is so Ordered



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

1-9-14

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.