

Eric Sanders

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Sent: Monday, August 08, 2011 6:39 PM
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Subject: Activity in Case 1:09-cv-04166-ENV-SMG Lozano v. The City of New York et al Motion to Compel

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U.S. District Court

Eastern District of New York

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Case Name: Lozano v. The City of New York et al

Case Number: 1:09-cv-04166-ENV-SMG

Filer: Luis Lozano

Document Number: 25

Docket Text:

First MOTION to Compel by Luis Lozano. (Sanders, Eric)

1:09-cv-04166-ENV-SMG Notice has been electronically mailed to:

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93fde70b67ce9cda9cd9c393f0188ccb320574e41676b8d7314bc8523e]]



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August 8, 2011

Chief Magistrate Judge Steven M. Gold
United States Magistrate Judge
United States District Court, Eastern District of New York
225 Cadman Plaza East
Brooklyn, N.Y. 11201

Re: Luis Lozano v. City of New
York, et al., Docket No.: 09 cv
04166 (ENV)(SMG)

Dear Chief Magistrate Judge Gold:

We represent the plaintiff in the above referenced matter. On June 7, 2011, the parties appeared by telephone. After discussion with the Court about the difficulties of physically producing comparator data, the plaintiff agreed to accept the comparator data in electronic form for ease of handling and related costs. Based upon the representations of the defendants' CITY and KEITH SPADARO, the court ordered the defendants' to produce the electronic data by July 8, 2011. The court also reset the deadline for fact discovery to be completed by September 15, 2011. To this date, defendants' have not produced the electronic data. I have reached out to opposing counsel but, have not received any responses to my inquiries, the latest via email on August 5, 2011.

Therefore, plaintiff respectfully requests that the Court compels defendants' CITY and KEITH SPADARO to turn over the comparator data in electronic form as described in their May 31, 2011, letter to the Court.

The Court is thanked in advance for its consideration of the plaintiff's motion.

Sincerely,

Eric Sanders (ES0224)

cc: Assistant Corporation Counsel Donna A. Canfield, Esq.