

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IBRAHIM TURKMEN, et al.,

Plaintiffs,

-against-

JOHN ASHCROFT, et al.,

Defendants.

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EHAB ELMAGHRABY, et al.,

Plaintiffs,

-against-

JOHN ASHCROFT, et al.,

Defendants.

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ORDER

02 CV 2307 (JG)

04 CV 1809 (JG)

On November 9, 2004, a conference was held before this Court in the case of Turkmen v. Ashcroft, 02 CV 2307. Also present at the conference were counsel for plaintiffs in the case of Elmaghraby v. Ashcroft, 04 CV 1809. Based on that conference, certain issues were resolved and schedules for discovery were established.

As an initial matter, both cases have now been referred to the undersigned for the purpose of supervising discovery. To the extent possible, discovery will be coordinated to avoid duplication of efforts. In order to facilitate that process, the Court set the following schedules in the respective cases at the November 9, 2004 conference:

Turkmen v. Ashcroft

(1) The parties' mandatory disclosures are due November 30, 2004, three weeks from the November 9, 2004 conference before this Court.

(2) The parties are to serve written discovery requests and interrogatories by November 19, 2004. As discussed at the conference, these discovery requests and interrogatories are limited to those issues that are relevant to plaintiffs' excessive force and inhumane conditions of confinement claims. Also, discovery will be limited to those defendants who occupied or currently occupy the position of warden or below and to those same defendants in their official capacity only, with the understanding that the government will provide all relevant responses, pending the district court's determination of the defendants' respective qualified immunity defenses.

(3) The parties' responses to written discovery requests are due on or before December 20, 2004.

(4) The remaining defendants were to be served with the Amended Complaint by November 16, 2004, one week from the November 9, 2004 conference before this Court. Defendant, the United States, was to provide the date of birth for defendant Michael McCabe by November 16, 2004. The plaintiffs were to determine the status of defendant Stuart Pray and notify this Court if additional information is needed to locate Mr. Pray.¹

¹ In a letter dated November 16, 2004, the government suggests that, for the following reasons, "no further action from the Court is necessary at this time:" (1) all of the named defendants who are still employed by the Bureau of Prisons, who have not returned the waiver of service of process forms and who have otherwise not been served are willing to waive service of process; (2) the government provided Mr. McCabe's date of birth to plaintiffs' counsel by separate letter; and (3) plaintiffs have now successfully served Mr. Pray. (Def.'s Letter of Nov. 16 at 1-2).

Elmaghraby v. Ashcroft

(1) The parties' mandatory disclosures are due November 30, 2004, three weeks from the November 9, 2004 conference before this Court.

(2) The parties are to serve written document requests and interrogatories by December 9, 2004, 30 days from the November 9, 2004 conference before this Court, subject to the same restrictions that are in place in the Turkmen case.

(3) The parties' responses to written discovery requests are due on or before January 10, 2005.

In a letter dated November 12, 2004, the government asked this Court to suspend the deadline for initial disclosures in Elmaghraby to allow the government to be properly served. Plaintiffs responded by letter dated November 12, 2004 and did not object to the government's request for an extension. Accordingly, the schedule in Elmaghraby is amended as follows:

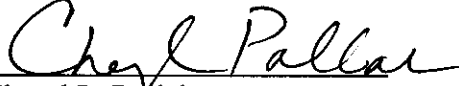
(1) The parties' mandatory disclosures are due December 21, 2004.

(2) The parties are to serve written document requests and interrogatories by December 30, 2004.

(3) The parties' responses to written discovery requests are due on or before January 31, 2005.

SO ORDERED.

Dated: Brooklyn, New York
November 17, 2004


Cheryl L. Pollak
United States Magistrate Judge