

Jane Doe #3 v N.Y. & Presbyt. Hosp.
2019 NY Slip Op 32233(U)
July 26, 2019
Supreme Court, New York County
Docket Number: 152438/2017
Judge: Lucy Billings
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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 46

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JANE DOE #3, JANE DOE #4, JANE DOE #5,
and JANE DOE #6,

Index Nos. 152438/2017,
805131/2014, & 805293/2013

Plaintiffs

- against -

NEW YORK AND PRESBYTERIAN HOSPITAL;
PRESBYTERIAN MEDICAL CENTER; COLUMBIA
UNIVERSITY MEDICAL CENTER; COLUMBIA-
PRESBYTERIAN MEDICAL CENTER; EAST SIDE
ASSOCIATES; ROBERT HADDEN; TRUSTEES OF
COLUMBIA UNIVERSITY IN THE CITY OF NEW
YORK; COLUMBIA UNIVERSITY COLLEGE OF
PHYSICIANS AND SURGEONS; PRESBYTERIAN
HOSPITAL PHYSICIAN SERVICES
ORGANIZATION, INC.; COLUMBIA-CORNELL
CARE, LLC; COLUMBIA CORNELL NETWORK
PHYSICIANS, INC.; and SLOANE HOSPITAL
FOR WOMEN,

Defendants

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DECISION AND STATUS CONFERENCE ORDER

LUCY BILLINGS, J.S.C.:

On July 26, 2019, the parties appeared for a status
conference and for plaintiffs' motion for a protective order
prohibiting defendant Hadden's access to the video or audio
recordings of plaintiffs' depositions and restraining his
attorneys, co-defendants, and co-defendants' agents and employees

from providing Hadden access to those recordings. C.P.L.R. § 3103(a). Plaintiffs claim Hadden is a perverted sexual predator who has sexually exploited and abused them and fear that he will use the recordings of their depositions for perverted sexual predatory purposes. Defendants do not deny that he has been convicted of a related felony. See Jones v. Maples, 257 A.D.2d 53, 55 (1st Dep't 1999). Hadden nevertheless insists that he will not use the recordings of plaintiffs' depositions for purposes other than the preparation of his defense to this action and related actions.

Since no party has indicated any reason to use the recordings of plaintiffs' depositions for any purpose other than the prosecution or defense of this action and actions related to it, the court grants plaintiffs' motion to the following limited extent and otherwise denies their motion. C.P.L.R. § 3103(a). No party shall disseminate or use the video or audio recording, the transcript, notes, or observations of any plaintiff's deposition except for the prosecution or defense of this action and related actions in the court. Mahoney v. Turner Constr. Co., 61 A.D.3d 101, 105-106 (1st Dep't 2009); Tannenbaum v. City of New York, 30 A.D.3d 367, 359 (1st Dep't 2006); Jones v. Maples, 257 A.D.2d at 56. To assure that no party is disadvantaged

compared to any other party, the attorneys for plaintiffs and defendants shall maintain exclusive possession, custody, and control of any video and audio tape recordings of plaintiffs' depositions. Wheeler v. Citizens Telecommunications Co. of N.Y., 274 A.D.2d 898, 899 (3d Dep't 2000). All parties still are permitted to attend the depositions and to view and listen to the recordings as long and as frequently as desired, as well as to read the transcripts, so as to assist the parties as necessary in preparing their claims and defenses for trial or other disposition. C.P.L.R. § 3113(b) and (c); 22 N.Y.C.R.R. § 202.15; Perez v. Time Moving & Stor., 28 A.D.3d 326, 329-30 (1st Dep't 2006); Jones v. Maples, 257 A.D.2d at 56; Troutman v. Washburn, 197 A.D.2d 876, 876-77 (4th Dep't 1993); Brignola v. Pei-Fei Lee, M.D., P.C., 192 A.D.2d 1008, 1009 (3d Dep't 1993).

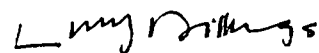
Consequently, defendants shall complete plaintiffs' depositions in this action and in the related actions in this court under Index Numbers 805293/2013 and 805131/2014 by September 13, 2019. If by August 16, 2019, plaintiffs have not provided to defendants a mutually acceptable date for any plaintiff's deposition, defendants may re-serve a notice of that plaintiff's deposition consistent with C.P.L.R. § 3107 so as to complete plaintiffs' depositions by September 13, 2019. If

defendants fail to conduct any plaintiff's deposition by September 13, 2019, they shall have waived that plaintiff's deposition.

Likewise, plaintiffs shall complete defendants' depositions in this action and in the related actions in this court under Index Numbers 805293/2013 and 805131/2014 by October 15, 2019. If by September 16, 2019, defendants have not provided to plaintiffs a mutually acceptable date for any defendant's deposition, plaintiffs may re-serve a notice of that defendant's deposition consistent with C.P.L.R. § 3107 so as to complete defendants' depositions by October 15, 2019. If plaintiffs fail to conduct any defendant's deposition by October 15, 2019, they shall have waived that defendant's deposition.

All parties shall appear September 19, 2019, at 2:15 p.m., in Part 46, prepared to set a definite schedule of deposition times for specified nonparty witnesses during October and November 2019 and to complete any other outstanding disclosure within that period.

DATED: July 26, 2019



LUCY BILLINGS, J.S.C.

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