

**Gu v Uber Tech. Inc.**

2025 NY Slip Op 34207(U)

November 3, 2025

Supreme Court, New York County

Docket Number: Index No. 100269/2023

Judge: Debra A. James

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This opinion is uncorrected and not selected for official publication.

**SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY**

PRESENT: HON. DEBRA A. JAMES

PART 59

*Justice*

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FEIFEI GU,

Plaintiff,

- v -

UBER TECHNOLOGIES INC.,

Defendant.

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INDEX NO. 100269/2023

MOTION DATE 10/30/2025

MOTION SEQ. NO. 005 007

**ORDER –  
RESETTLED/AMENDED  
(MOTION RELATED)**

The following e-filed documents, listed by NYSCEF document number (Motion 005) 73, 74, 75, 92 were read on this motion to/for VACATE - DECISION/ORDER/JUDGMENT/AWARD.

The following e-filed documents, listed by NYSCEF document number (Motion 007) 86, 87, 88, 93 were read on this motion to/for MISCELLANEOUS.

ORDER

Upon the foregoing documents, it is

ORDERED that the Order dated November 3, 2025, resolving motion sequence numbers 005 and 007 in this action (NYSCEF Doc No2 092 and 093), is VACATED, RESETTLED, AND CORRECTED, nunc pro tunc, pursuant to CPLR § 5019(a) [see Kiker v Nassau County, 85 NY2d 879 (1995)] as follows:

Upon the foregoing documents, it is

ORDERED that the motion, pursuant to CPLR 2221(a)(2), of plaintiff to vacate the part of the ex parte Discovery Status Conference Order that directed her to provide defendant with an unredacted copy of her medical record (mot seq no 005) is

granted, without opposition, and plaintiff is not required to provide defendant with such unredacted copy; and it is further

ORDERED that the motion, pursuant to Judiciary Law § 14, of plaintiff for order of recusal of the undersigned (mot seq no 007) is denied; and it is further

ORDERED that plaintiff and defense counsel are directed to post on NYSCEF a **joint** proposed discovery conference order or dueling proposed discovery status conference order(s) at least two days before January 29, 2026, on which date plaintiff and defense counsel shall appear in person in courtroom of the judge presiding over this action, at the time appointed; and it is further

ORDERED that, except as exhibits to motions or for demands for bills of particulars and responses thereto (as latter constitute an amplification of the pleadings), plaintiff and defense counsel shall **cease and desist from posting on NYSCEF discovery demands or responses thereto**, as same unnecessarily and improperly clutter the docket, and shall be **exchanged between themselves only**; see In Re Westchester Rockland Newspapers, Inc., 66 AD2d 335, 338 (2nd Dept 1979); and are **not for public viewing** on the official public court docket, and see also, Scollo v Good Samaritan Hosp, 175 AD2d 278, 279 (2d Dept 1991) ( "Pretrial discovery" "are not 'sittings of court'", "are

conducted in private as a matter of modern practice", and "is not a public component of a trial").

DECISION

Defendant submits no opposition to plaintiff's motion that seeks to vacate that part of the discovery compliance conference order dated July 15, 2025 (NYSCEF Doc No 071), which directed plaintiff to provide defense counsel with "an unredacted copy of her psychological records". Therefore, this court must grant plaintiff's motion.<sup>1</sup>

However, even though there is no opposition, the court must deny plaintiff's motion that seeks an order recusing the undersigned. As stated in Gounder v Melrose Credit Union, 241 AD3d 884, 855 (2d Dept 2025):

"Absent a legal disqualification under Judiciary Law § 14, a court is the sole arbiter of the need for recusal, and its decision is a matter of discretion and personal conscience" (Matter of O'Donnell v Goldenberg, 68 AD3d 1000, 1000 [2009]; see People v Moreno, 70 NY2d 403, 405-406 [1987]; Hayes v Barroga-Hayes, 117 AD3d 794, 794 [2014]; Vigo v 501 Second St. Holding Corp., 100 AD3d 870, 870 [2012]; Matter of Imre v Johnson, 54 AD3d 427, 427-428 [2008]). Here, the plaintiffs failed to set forth any proof of bias or prejudice (see Prince v Prince, 134 AD3d 1008, 1008 [2015]; Vigo v 501 Second St. Holding Corp., 100 AD3d at 870). Accordingly, the Supreme Court providently exercised its discretion in denying that branch of the plaintiffs' motion which was for recusal of the Justice presiding.

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<sup>1</sup> Query how plaintiff pro se will prove either causation or her damages using only a redacted copy of her medical records.

Likewise here, plaintiff fails to submit any proof of bias or prejudice against her on the part of the undersigned. Plaintiff's remedy with respect to any challenge to this court's declination to sign her Show Cause Order, which comprised an application to hold defense counsel in contempt for failure of defendant to disclose, was to appeal such declination to the Appellate Division, First Department.

*Debra A. James*

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11/3/2025

DATE

DEBRA A. JAMES, J.S.C.

CHECK ONE:

CASE DISPOSED

GRANTED

DENIED

SETTLE ORDER

INCLUDES TRANSFER/REASSIGN

NON-FINAL DISPOSITION

GRANTED IN PART

SUBMIT ORDER

FIDUCIARY APPOINTMENT

OTHER

REFERENCE

APPLICATION:

CHECK IF APPROPRIATE: