

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ORDER

IN RE HURRICANE SANDY CASES

14 MC 41

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THIS DOCUMENT APPLIES TO:

ALL RELATED CASES

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CASE MANAGEMENT ORDER NO. 11

In accordance with the Case Management Plan, many of the Hurricane Sandy cases have been proceeding to mediation. On September 26, 2014, Plaintiffs' Liaison Counsel advised the Court that efforts at mediation to resolve the claims in Raimey v. Wright National Flood Insurance Company, 14 CV 461, had been unsuccessful and they moved to set a discovery schedule and trial date. In their motion, Plaintiffs' Liaison Counsel attached a list of 117 other cases, warning that they also did not expect to be able to settle those cases. Id. at 3-4.

In lieu of filing requests with the assigned judges in each case seeking to set trial dates, counsel in any Hurricane Sandy Case that fails to settle after mediation, are hereby ORDERED to submit a status report to the Hurricane Sandy Committee within fourteen (14) days of the conclusion of mediation. In the status report, counsel are ORDERED to identify any additional disclosures that need to be provided before the case may proceed to a conference with a magistrate judge for continued settlement discussions. The status report should be filed in 14

MC 41, as well as in the specific case to which it pertains, but should not be “spread” to the other Hurricane Sandy cases. The parties will be notified of a conference date before the magistrate judge. If the case does not resolve after that conference, a joint discovery schedule shall be submitted to the magistrate judge handling the conference so that the matter can be readied for trial.

In the event that a case settles, either after mediation or after discussions among the parties, counsel are ORDERED to file with the court a Stipulation of Discontinuance within five (5) days of reaching a settlement.

In addition, counsel have been filing numerous letters addressed to the assigned magistrate judges on particular cases, complaining about problems with scheduling mediators or with selection of mediators, or with obtaining sufficient compliance with the CMOs to enable mediation to proceed. The parties are ORDERED to submit any letters raising these types of issues with the Hurricane Sandy Committee and not with the assigned magistrate judges unless specifically ordered otherwise. Any such letters should be filed in 14 MC 41, and the specific case to which they pertain, but should not be “spread” to the other Hurricane Sandy cases.

SO ORDERED.

Dated: Brooklyn, New York
October 14, 2014

/S/ CHERYL L. POLLAK
Cheryl L. Pollak United States
Magistrate Judge

/S/ GARY BROWN
Gary Brown United States
Magistrate Judge

/S/ RAMON E. REYES, JR.
Ramon E. Reyes, Jr.
United States Magistrate Judge