

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/19/09

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IN RE WORLD TRADE CENTER DISASTER SITE :
LITIGATION :

ORDER FOR FURTHER
BRIEFING ON MOTIONS TO
QUASH SUBPOENAS OF FDNY
AND NYPD PENSION FUND
MEDICAL BOARD DOCTORS

----- x
RAYMOND HAUBER :

Plaintiff, :

-against- :

THE CITY OF NEW YORK, :

Defendant. :

21 MC 100 (AKH)
05 Civ. 9141 (AKH)

----- x
LARON CASEY :

Plaintiff, :

-against- :

THE CITY OF NEW YORK :

Defendant. x

06 Civ. 8890 (AKH)

----- x
SCOTT MALKOFF :

Plaintiff :

-against- :

THE CITY OF NEW YORK :

Defendant :

06 Civ. 11710 (AKH)

----- x
ALVIN K. HELLERSTEIN, U.S.D.J.:

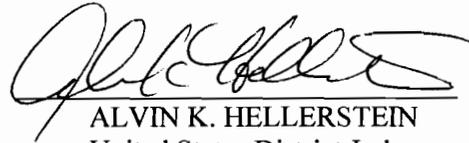
On October 9, 2009, the parties completed briefing on the City of New York's motion to quash subpoenas of the FDNY Pension Fund Medical Board doctors. On October 7, the City of

New York filed its Motion to quash subpoenas of the NYPD Pension Fund Medical Board doctors.

I hereby order the parties to submit further briefing on the issue of relevance of the Boards' deliberation to issues of negligence and liability raised by the complaint: Is the decision of either of the two Boards binding on the court under principles of res judicata or collateral estoppel? Is such decision evidence of negligence or fault admissible in evidence at a trial? If either question is answered in the affirmative, in what way are the thought processes of a commission, express or implied, relevant? The parties' briefs are due on November 2, 2009. Oral argument on both motions will be November 10, 2009, at 3 p.m.

SO ORDERED.

Dated: October 7, 2009
New York, New York



ALVIN K. HELLERSTEIN
United States District Judge