

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
CATHERINE MCKOY, et al.,

Plaintiffs,

-v-

THE TRUMP CORPORATION, et al.,

Defendants.

CIVIL ACTION NO.: 18 Civ. 9936 (LGS) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

Before the Court is Plaintiffs' request for "an order directing Defendants to reschedule the deposition" of Defendant Donald J. Trump (the "Deposition"). (ECF No. 475 (the "Letter-Motion")). The Deposition is currently scheduled to take place on September 30, 2022 in Florida, which, as Plaintiffs note, is now under a state of emergency declaration due to Hurricane Ian. (Id. at 2). Given that September 30, 2022 is the fact discovery deadline (see ECF No. 456), the Court construes the Letter-Motion as a request for permission to take the Deposition after the close of fact discovery. Defendants oppose the Letter-Motion, noting that their counsel has already traveled to Florida in anticipation of the Deposition, and "request that the Court order the deposition to proceed remotely by Zoom[.]" (ECF No. 477). Plaintiffs filed a reply in further support of the Letter-Motion. (ECF No. 478).

The Court takes judicial notice of the fact that, as of 5:00 pm today, the center of Hurricane Ian reached Florida, was "battering the Florida peninsula with catastrophic storm surge, winds, and flooding[.]" and "is expected to move across central Florida tonight and Thursday morning[.]" but "could be near hurricane strength when it moves over the Florida East

coast tomorrow [Thursday September 29, 2022].” See
<https://www.nhc.noaa.gov/text/refresh/MIATCPAT4+shtml/282057.shtml>.

Under these conditions, whether the Deposition could occur on Friday, even remotely, is uncertain. Out of concern for the safety of the parties, court reporter, videographer, and any other required attendees of the Deposition, the Letter-Motion is GRANTED to the extent that the Deposition may take place after the fact discovery deadline. The parties shall promptly meet and confer to agree on a mutually convenient date before October 31, 2022 for the Deposition to occur.

The Clerk of Court is respectfully directed to close ECF No. 475.

Dated: New York, New York
September 28, 2022

SO ORDERED.



SARAH L. CAVE
United States Magistrate Judge