UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 3/13/2012

AURELIUS CAPITAL MASTER, *et al.*,

Plaintiffs,

-v-

MBIA INSURANCE CORPORATION, *et al.*,

Defendants.

No. 09 Civ. 2242 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

The Court is in receipt of the following correspondence: (1) a letter from Defendants, dated March 2, 2012, requesting a temporary moratorium on deposition discovery pending the trial in the Article 78 proceeding, which is scheduled to take place in early May 2012; (2) a letter from Plaintiffs, dated March 6, 2012, opposing Defendants' request; and (3) a letter from Defendants, dated March 8, 2012, responding to assertions in Plaintiffs' letter. On March 9, 2012, the Court held a conference jointly with the Honorable Barbara Kapnick, Supreme Court Justice, Commercial Division, regarding several discovery disputes between the parties, including Defendants' request.

Because the Amended Case Management Plan and Scheduling Order has been in place since July 27, 2011, and was proposed by the parties with the understanding that the Article 78 trial would be taking place around this time, the Court finds that imposing a deposition moratorium so far in advance of the Article 78 trial is neither necessary nor appropriate. However, in order to allow the parties to prepare for trial, the Court concludes that reasonable limitations on depositions at this time and a moratorium closer to the scheduled trial are warranted.

Accordingly, IT IS HEREBY ORDERED THAT Defendants shall produce Joseph Brown and Charles Chaplin for two-day depositions and Mitchell Sonkin and Anthony McKiernan for one-day depositions, and Plaintiffs shall produce two fact witnesses as requested by Defendants for depositions, before April 15, 2012.

IT IS FURTHER ORDERED THAT no depositions shall take place between April 15 and the conclusion of the Article 78 trial.

IT IS FURTHER ORDERED THAT upon the conclusion of the Article 78 trial, or a determination that the trial will not take place, the parties shall submit a joint letter regarding the depositions remaining to be completed and proposing a revised fact discovery deadline.

SO ORDERED.

DATED: March 12, 2012
New York, New York

RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE