

1998 WL 677582

Only the Westlaw citation is currently available.
United States District Court, S.D. New York.

John Andrew CUOCO, Plaintiff,

v.

J. Michael QUINLAN, et al., Defendant.

No. 91 Civ. 7279(LMM).

|
Sept. 30, 1998.

MEMORANDUM AND ORDER

MCKENNA, J.

1.

*1 Defendants' motion (Docket Document No. 35) for an order, pursuant to Fed.R.Civ.P. 59(e) and former Local Civil Rule 3(j), vacating, altering or amending the judgment (Docket Document No. 33) is granted to the extent that the final paragraph of such judgment is corrected to read: "ORDERED, that the Amended Complaint be and it hereby is dismissed as against defendants G.L. Hershberger, Don Moore, M. Salamack and M. Malik, M.D." The motion is otherwise denied because the Court perceives no just reason for delay in the entry of judgment of dismissal in favor of those defendants.¹

2.

Defendants' motion (Docket Document No. 26) for reargument of the Court's Memorandum and Order of November 12, 1992² (Docket Document No. 21) is

denied.

Plaintiff's motion (Docket Document No. 29) for an order denying defendants' motion to dismiss the amended complaint after reargument of the November 12, 1992 Memorandum and Order is denied.

Plaintiff's motion (Docket Document No. 54) for an order striking defendants' motion for reargument is denied.

The Court's endorsed order (Docket Document No. 30) vacating the November 12, 1992 Memorandum and Order for the limited purpose for which the order was requested by defendants is itself vacated in light of the denial of defendants' motion for reargument.

The stay of discovery ordered in the Court's Memorandum and Order (Docket Document No. 51) dated October 5, 1993 is lifted.

3.

Plaintiff's motion (Docket Document No. 44) for a temporary restraining order and/or a preliminary injunction, requiring that plaintiff be given certain medication, is denied, without prejudice. The facts alleged to support the relief sought took place in a district other than the Southern District of New York and after the events alleged in the amended complaint. *See* Memorandum and Order (Docket Document No. 74) dated October 2, 1996.

4.

Plaintiff's motion (Docket Document No. 48) for leave, pursuant to Fed.R.Civ.P. 15, to file a second amended supplemental complaint is denied without prejudice. The motion does not include a proposed pleading nor an affidavit or affirmation in support of the motion.

5.

Plaintiff's motion (Docket Document No. 50) for an order

pursuant to Fed.R.Civ.P. 34(b) and 37(a) compelling the production of documents is denied without prejudice. The motion does not include a copy of the document request allegedly not complied with nor an affidavit or affirmation in support of the motion.

All Citations

Not Reported in F.Supp.2d, 1998 WL 677582

Footnotes

- ¹ Docket Document No. 32 correctly indicates the defendants as against whom the amended complaint was to be dismissed.
- ² The motion erroneously indicates the date of the Memorandum and Order as November 13, 1992, as do several subsequent filings.