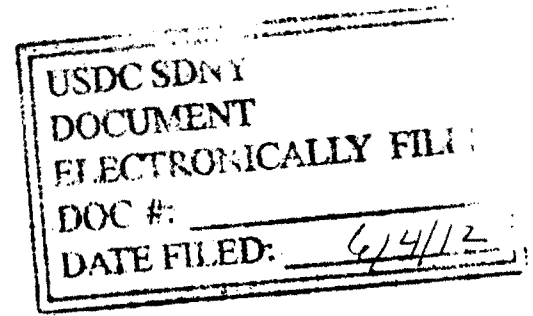


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**



----- X
**DAVID FLOYD, LALIT CLARKSON,
DEON DENNIS, and DAVID OURLICHT,**
on behalf of themselves and all others
similarly situated,

Plaintiffs,

- against -

THE CITY OF NEW YORK, et al.,

Defendants.

ORDER

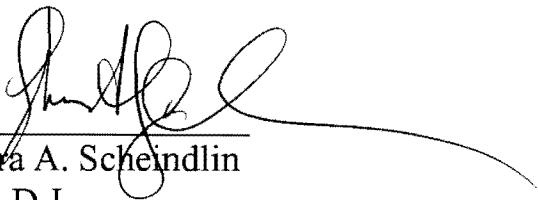
08 Civ. 1034 (SAS)

----- X
SHIRA A. SCHEINDLIN, U.S.D.J.:

Plaintiffs' request to extend the briefing schedule for their proposed *Daubert* motion challenging the methodology and/or qualifications of defendants' expert is denied. At the May 27 conference, plaintiffs stated that they would seek to expedite the remaining discovery and proceed to trial at the earliest possible time. This case is now four years old. A two month extension of the anticipated *Daubert* motion will cause further delay. A *Daubert* motion is not required and counsel should give careful thought to the need for such a motion. While counsel may disagree with the substance of an expert's testimony, that is not the standard for disqualification. Such motions are often made reflexively and with little chance of success. Nonetheless, should plaintiffs determine that a *Daubert* motion

is absolutely necessary, they must make it on the schedule ordered during the May 27 conference.

SO ORDERED:



Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
June 4, 2012

- Appearances -

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