



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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December 26, 2013

**BY ECF**

Honorable Joan M. Azrack  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Raza et al v. City of New York et al, 13 Civ. 3448 (PKC)(JMA)

Dear Judge Azrack:

I am a Senior Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York and submit this letter on behalf of defendants to provide Your Honor an update on the above referenced matter and where we are in the discovery process.

Judge Chen issued a decision on November 22, 2013 (D.E. 28) on the scope of discovery (the "Order"). Pursuant to the schedule set forth in the Order, both sides served their document demands and interrogatories on December 6, 2013, and responses are currently due by both sides on January 6, 2014 with one exception.<sup>1</sup>

In the meantime, after an exchange of proposed protective orders and telephone discussions, the parties met on December 3, 2013 in an effort to narrow their differences on a protective order. Defendants thereafter sent a revised proposed protective order to plaintiffs, and the parties have set a telephone conference for December 26, 2013 to discuss plaintiffs' position on the most recent draft. Following this conference, we intend to submit a proposed protective order for the Court's approval and, if necessary, resolution of any remaining disputed terms. At this stage, the parties have narrowed the issues, if any, necessary for the Court's resolution.

As to defendants' document responses currently due January 6<sup>th</sup>, we are in the process of collecting the responsive discovery. This collection process is time consuming as it involves

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<sup>1</sup> The Order provides until February 6, 2014 for Defendants to respond to Plaintiffs' Document Request #4.

over 10 years worth of electronically-stored information within the Intelligence Bureau, and we have been in discussions with an outside vendor in an effort to develop a strategy for document collection and processing that addresses the sensitive nature of the information at issue. In addition, the large majority of responsive documents relate to past or present investigations and require careful review and painstaking redaction of law enforcement privileged information to protect, *inter alia*, sources of information and privacy interests.

Accordingly, assuming a final protective order is in place, defendants are prepared to make an initial production on January 6, 2014, and will continue to produce documents on a rolling basis as they are collected and reviewed.

We appreciate the Court's attention to this matter.

Respectfully Submitted,

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/s/  
Peter G. Farrell  
Senior Counsel

cc by ECF: Plaintiffs' Counsel