

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

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ROBERT A. METHVIN	:	3:11 CV 959 (JBA)
	:	
V.	:	
	:	
EVAN COSSETTE ET AL.	:	DATE: MARCH 26, 2012
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RULING FOLLOWING IN CAMERA REVIEW

The factual and procedural history behind this litigation is set forth in the Magistrate Judge's lengthy Electronic Endorsement, filed February 21, 2012 (Dkt. #60) ["February Ruling"], familiarity with which is presumed. Under the Scheduling Order filed by U.S. District Judge Janet Bond Arterton on October 6, 2011 (Dkt. #42), all discovery is to be completed by December 1, 2012. On January 25, 2012, Judge Arterton referred discovery disputes to this Magistrate Judge. (Dkt. #56).

The February Ruling addressed three discovery disputes, including plaintiff's request for production of all personnel files for each of the five individual defendants. (At 1-2). The February Ruling held: "Because much of the material in these personnel files is likely to be completely irrelevant to the issues raised in this lawsuit, . . . defendant City of Meriden shall provide copies of these personnel files to this Magistrate Judge's Chambers for her in camera review." (Id.)(emphasis & multiple citations omitted). Pursuant to the February Ruling, on March 19, 2012, defendants submitted 507 pages of documents, consisting of the personnel records of defendants Evan Cossette (pp. 1-47), Jeffrey Cossette (pp. 48-179), Timothy Topulos (pp. 180-270), Leonard Caponigro (pp. 271-435), and Glen Mislisagle (pp. 436-507). As the February Ruling accurately predicted, after a careful in camera review, this Magistrate

Judge finds that virtually all of these personnel files are “completely irrelevant to the issues raised in this lawsuit,” except for the following four documents that pertain to defendant Evan Cossette:

- (1) Employee Performance Evaluation, dated January 30, 2010 (pp. 21-23);
- (2) Letter, dated April 19, 2011 (p. 26);
- (3) Letter, dated August 31, 2010 (pp. 27-28); and
- (4) Letter, dated July 21, 2010 (p. 29).

If defendants have not already provided copies of these four documents to plaintiff’s counsel, they shall do so **on or before April 13, 2012**.

This is not a Recommended Ruling but a Ruling on discovery, the standard of review of which is specified in 28 U.S.C. § 636; FED. R. CIV. P. 6(a), 6(e) & 72; and Rule 72.2 of the Local Rules for United States Magistrate Judges. As such, it is an order of the Court unless reversed or modified by the District Judge upon timely made objection.¹

See 28 U.S.C. § 636(b)(**written objections to ruling must be filed within fourteen calendar days after service of same**); FED. R. CIV. P. 6(a), 6(e) & 72; Rule 72.2 of the Local Rules for United States Magistrate Judges, United States District Court for the District of Connecticut; Small v. Secretary, H&HS, 892 F.2d. 15, 16 (2d Cir. 1989)(**failure to file timely objection to Magistrate Judge’s recommended ruling may preclude further appeal to Second Circuit**); Caidor v. Onondaga County, 517 F.3d 601, 603-05 (2d Cir. 2008)(**failure to file timely objection to Magistrate Judge’s discovery ruling**

¹The privileged documents will remain in this Magistrate Judge’s Chambers for at least the next fourteen days. If no objection to this discovery ruling is filed by either party, then the documents will be returned to defense counsel. If either side files an objection to this discovery ruling, then the documents will be filed with the Court, under seal, for review by Judge Arterton.

will preclude further appeal to Second Circuit).²

Dated at New Haven, Connecticut, this 26th day of March, 2012.

/s/ Joan G. Margolis, USMJ
Joan Glazer Margolis
U.S. Magistrate Judge

²If any counsel believes that a settlement conference before this Magistrate Judge would be helpful, he or she should contact Chambers accordingly.