

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

NICOLE ESPOSITO,
Plaintiff,

No. 3:21-cv-1149 (SRU)

v.

BOARD OF REGENTS OF HIGHER
EDUCATION, et al.,
Defendants.

CONFERENCE MEMORANDUM AND ORDER

On February 22, 2022, I held a status conference on the record with Todd Steigman and William G. Madsen, attorneys for the plaintiff, Nicole Esposito; and Inez Diaz Galloza and Sarah Bold, attorneys for the defendants, Board of Regents of Higher Education, Connecticut State Colleges and Universities, Robert Steinmetz, Alice Pritchard, and Andrew Kripp. The purpose of the call was to discuss the pending motions and discuss the status of this litigation.

Last week, Esposito filed a motion to amend/correct the complaint. *See* Doc. No. 53. Since the filing of her initial complaint, Defendants' have terminated Esposito. Now, Esposito seeks to allege additional acts of discrimination and retaliation that occurred leading up to her termination, as well as assert a Title VII complaint now that Esposito has received a right to sue notice. Because "[a] district court has broad discretion in determining whether to grant leave to amend," I granted Esposito's motion. *Gurary v. Winehouse*, 235 F.3d 792, 801 (2d Cir. 2000). As a result of that ruling, I denied without prejudice Defendants' motion to dismiss, doc. no. 29, as moot. Esposito intends on filing the amended complaint, at which point Defendants are free to file another motion to dismiss should they choose to do so.

Next, we discussed Esposito's pending motion for preliminary injunction. *See* Doc. No. 11. Because Esposito has been terminated, it is my view that the relief sought in the preliminary

injunction is now moot. Esposito disagrees. Nevertheless, I denied the motion without prejudice, as well as the Defendants' motion for preliminary injunction bond. *See* Doc. No. 28.

Finally, the parties indicated that the pending motion regarding the Rule 30(b)(6) deposition, doc. no. 24, has since been resolved. Accordingly, I denied that motion without prejudice.

So ordered.

Dated at Bridgeport, Connecticut, this 22nd day of February 2022.

/s/ STEFAN R. UNDERHILL
Stefan R. Underhill
United States District Judge