

KATHRYN V. HATFIELD, ESQ. (7427)
BAUCH ZUCKER HATFIELD LLC
871 Mountain Avenue, Suite 200
Springfield, New Jersey 07081
(973) 376-4000
Attorneys for Defendants Union County Prosecutor's Office
and Prosecutor Romankow

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

STEPHEN MCGUIRE, *GLE*

Plaintiff,

v.

UNION COUNTY PROSECUTOR'S OFFICE,
OF THE STATE OF NEW JERSEY;
PROSECUTOR THEODORE J.
ROMANKOW; and ROBERT T. BUCCINO,
CHIEF OF DETECTIVES, UNION COUNTY
PROSECUTOR'S OFFICE,

Defendants.

Docket No. 11-cv-01989 (FSH/PS)

Civil Action

CONSENT PROTECTIVE ORDER

PROTECTIVE ORDER FOR CONFIDENTIAL INFORMATION

It appearing that discovery in the above-captioned action is likely to involve the disclosure of confidential information, it is ORDERED as follows:

1. Any party to this litigation and any third-party shall have the right to designate as "Confidential" and subject to this Order any information, document, or thing, or portion of any document or thing: (a) that contains private or confidential personal information, or (b) that contains information received in confidence from third parties, or (c) which the producing party otherwise believes in good faith to be entitled to protection under Rule 26(c)(1)(G) of the Federal Rules of Civil Procedure and Local Civil Rule 5.3. Any party to this litigation or any third party

covered by this Order, who produces or discloses any Confidential material, including without limitation any information, document, thing, interrogatory answer, admission, pleading, or testimony, shall mark the same with the foregoing or similar legend: "CONFIDENTIAL" or "CONFIDENTIAL – SUBJECT TO DISCOVERY CONFIDENTIALITY ORDER" (hereinafter "Confidential").

2. Any party to this litigation and any third-party shall have the right to designate as "Attorneys' Eyes Only" and subject to this Order any information, document, or thing, or portion of any document or thing that contains highly sensitive business or personal information, the disclosure of which is highly likely to cause significant harm to an individual or to the business or competitive position of the designating party. Any party to this litigation or any third party who is covered by this Order, who produces or discloses any Attorneys' Eyes Only material, including without limitation any information, document, thing, interrogatory answer, admission, pleading, or testimony, shall mark the same with the foregoing or similar legend:

**"ATTORNEYS' EYES ONLY" or "ATTORNEYS' EYES
ONLY – SUBJECT TO DISCOVERY CONFIDENTIALITY
ORDER" (hereinafter "Attorneys' Eyes Only").**

3. All Confidential material shall be used by the receiving party solely for purposes of the prosecution or defense of this action, shall not be used by the receiving party for any business, commercial, competitive, personal or other purpose, and shall not be disclosed by the receiving party to anyone other than those set forth in Paragraph 4, unless and until the restrictions herein are removed either by written agreement of counsel for the parties, or by Order of the Court. It is, however, understood that counsel for a party may give advice and opinions to his or her client solely relating to the above-captioned action based on his or her

evaluation of Confidential material, provided that such advice and opinions shall not reveal the content of such Confidential material except by prior written agreement of counsel for the parties, or by Order of the Court.

4. Confidential material and the contents of Confidential material may be disclosed only to the following individuals under the following conditions:

a. Outside counsel (herein defined as any attorney at the parties' outside law firms) and relevant in-house counsel for the parties;

b. Outside experts or consultants retained by outside counsel for purposes of this action, provided they have signed a non-disclosure agreement in the form attached hereto as Exhibit A;

c. Secretarial, paralegal, clerical, duplicating and data processing personnel of the foregoing;

d. The Court and court personnel;

e. Any deponent may be shown or examined on any information, document or thing designated Confidential if it appears that the witness authored or received a copy of it, was involved in the subject matter described therein or is employed by the party who produced the information, document or thing, or if the producing party consents to such disclosure;

f. Vendors retained by or for the parties to assist in preparing for pretrial discovery, trial and/or hearings including, but not limited to, court reporters, litigation support personnel, jury consultants, individuals to prepare demonstrative and audiovisual aids for use in the courtroom or in depositions or mock jury sessions, as well as their staff, stenographic, and clerical employees whose duties and responsibilities require access to such materials; and

g. The parties. In the case of parties that are corporations or other business

entities, "party" shall mean executives who are required to participate in decisions with reference to this lawsuit.

5. Confidential material shall be used only by individuals permitted access to it under Paragraph 4. Confidential material, copies thereof, and the information contained therein, shall not be disclosed in any manner to any other individual, until and unless (a) outside counsel for the party asserting confidentiality waives the claim of confidentiality, or (b) the Court orders such disclosure.

6. With respect to any depositions that involve a disclosure of Confidential material of a party to this action, such party shall have until thirty (30) days after receipt of the deposition transcript within which to inform all other parties that portions of the transcript are to be designated Confidential, which period may be extended by agreement of the parties. No such deposition transcript shall be disclosed to any individual other than the individuals described in Paragraph 4(a), (b), (c), (d) and (f) above and the deponent during these thirty (30) days, and no individual attending such a deposition shall disclose the contents of the deposition to any individual other than those described in Paragraph 4(a), (b), (c), (d) and (f) above during said thirty (30) days. Upon being informed that certain portions of a deposition are to be designated as Confidential, all parties shall immediately cause each copy of the transcript in its custody or control to be appropriately marked and limit disclosure of that transcript in accordance with Paragraphs 3 and 4.

7. Material produced and marked as Attorneys' Eyes Only may be disclosed only to outside counsel for the receiving party and to such other persons as counsel for the producing party agrees in advance or as Ordered by the Court.

8. If counsel for a party receiving documents or information designated as Confidential or Attorneys' Eyes Only hereunder objects to such designation of any or all of such items, the following procedure shall apply:

a. Counsel for the objecting party shall serve on the designating party or third party a written objection to such designation, which shall describe with particularity the documents or information in question and shall state the grounds for objection. Counsel for the designating party or third party shall respond in writing to such objection within 14 days, and shall state with particularity the grounds for asserting that the document or information is Confidential or Attorneys' Eyes Only. If no timely written response is made to the objection, the challenged designation will be deemed to be void. If the designating party or nonparty makes a timely response to such objection asserting the propriety of the designation, counsel shall then confer in good faith in an effort to resolve the dispute.

b. If a dispute as to a Confidential or Attorneys' Eyes Only designation of a document or item of information cannot be resolved by agreement, the proponent of the designation being challenged shall present the dispute to the Court initially by telephone or letter, in accordance with Local Civil Rule 37.1(a)(1), before filing a formal motion for an order regarding the challenged designation. The document or information that is the subject of the filing shall be treated as originally designated pending resolution of the dispute.

9. All requests to seal documents filed with the Court shall comply with Local Civil Rule 5.3.

10. If the need arises during trial or at any Hearing before the Court for any party to disclose Confidential or Attorneys' Eyes Only information, it may do so only after giving notice to the producing party and as directed by the Court.

11. To the extent consistent with applicable law, the inadvertent or unintentional disclosure of Confidential material that should have been designated as such, regardless of whether the information, document or thing was so designated at the time of disclosure, shall not be deemed a waiver in whole or in part of a party's claim of confidentiality, either as to the specific information, document or thing disclosed or as to any other material or information concerning the same or related subject matter. Such inadvertent or unintentional disclosure may be rectified by notifying in writing counsel for all parties to whom the material was disclosed that the material should have been designated Confidential within a reasonable time after disclosure. Such notice shall constitute a designation of the information, document or thing as Confidential under this Discovery Confidentiality Order.

12. When the inadvertent or mistaken disclosure of any information, document or thing protected by privilege or work-product immunity is discovered by the producing party and brought to the attention of the receiving party, the receiving party's treatment of such material shall be in accordance with Federal Rule of Civil Procedure 26(b)(5)(B). Such inadvertent or mistaken disclosure of such information, document or thing shall not by itself constitute a waiver by the producing party of any claims of privilege or work-product immunity. However, nothing herein restricts the right of the receiving party to challenge the producing party's claim of privilege if appropriate within a reasonable time after receiving notice of the inadvertent or mistaken disclosure.

13. No information that is in the public domain or which is already known by the receiving party through proper means or which is or becomes available to a party from a source other than the party asserting confidentiality, rightfully in possession of such information on a non-confidential basis, shall be deemed or considered to be Confidential material under this

Discovery Confidentiality Order.

14. This Discovery Confidentiality Order shall not deprive any party of its right to object to discovery by any other party or on any otherwise permitted ground. This Discovery Confidentiality Order is being entered without prejudice to the right of any party to move the Court for modification or for relief from any of its terms.

15. This Discovery Confidentiality Order shall survive the termination of this action and shall remain in full force and effect unless modified by an Order of this Court or by the written stipulation of the parties filed with the Court.

16. Upon final conclusion of this litigation, each party or other individual subject to the terms hereof shall be under an obligation to assemble and to return to the originating source all originals and unmarked copies of documents and things containing Confidential material and to destroy, should such source so request, all copies of Confidential material that contain and/or constitute attorney work product as well as excerpts, summaries and digests revealing Confidential material; provided, however, that counsel may retain complete copies of all transcripts and pleadings including any exhibits attached thereto for archival purposes, subject to the provisions of this Discovery Confidentiality Order. To the extent a party requests the return of Confidential material from the Court after the final conclusion of the litigation, including the exhaustion of all appeals therefrom and all related proceedings, the party shall file a motion seeking such relief.

CONSENTED TO:

By: 
Kathryn V. Hatfield, Esq.

Bauch Zucker Hatfield LLC
871 Mountain Avenue
Suite 200
Springfield, New Jersey 07081
973-376-4000
Attorneys for Defendants Union County Prosecutor's Office
and Prosecutor Romankow

By: 
Alexandra De Fresco, Esq.

Assistant County Counsel
County of Union- Office of the County Counsel
Administration Building, 5th Floor
2 Elizabethtown Plaza
Elizabeth, NJ 07207
Attorneys for Defendant Robert T. Buccino

By: 
Leonard C. Schiro, Esq.

Mets Schiro & McGovern, LLP
655 Florida Grove Road
P.O. Box 668
Woodbridge, New Jersey 07095
Attorneys for Plaintiff Stephen McGuire

IT IS SO ORDERED.

Dated: _____, 2011

Patty Shwartz, U.S. Magistrate Judge

EXHIBIT A

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

STEPHEN MCGUIRE,

Plaintiff,

v.

UNION COUNTY PROSECUTOR'S OFFICE,
OF THE STATE OF NEW JERSEY;
PROSECUTOR THEODORE J.
ROMANKOW; and ROBERT T. BUCCINO,
CHIEF OF DETECTIVES, UNION COUNTY
PROSECUTOR'S OFFICE,

Defendants.

Docket No. 11-cv-01989 (FSH/PS)

Civil Action

**AGREEMENT TO BE BOUND BY
DISCOVERY CONFIDENTIALITY
ORDER**

I, _____, being duly sworn, state that:

1. My address is _____.
2. My present employer is _____ and the address of my present employment is _____.
3. My present occupation or job description is _____.
4. I have carefully read and understood the provisions of the Discovery Confidentiality Order in this case signed by the Court, and I will comply with all provisions of the Discovery Confidentiality Order.
5. I will hold in confidence and not disclose to anyone not qualified under the Discovery Confidentiality Order any Confidential Material or any words, summaries, abstracts, or indices of Confidential Information disclosed to me.
6. I will limit use of Confidential Material disclosed to me solely for purpose of this

action.

7. No later than the final conclusion of the case, I will return all Confidential Material and summaries, abstracts, and indices thereof which come into my possession, and documents or things which I have prepared relating thereto, to counsel for the party for whom I was employed or retained.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: _____

[Name]

METS SCHIRO & MCGOVERN, LLP

555 U.S. HIGHWAY ONE SOUTH
SUITE 240
ISELIN, NEW JERSEY 08830
T. 732-636-0040 F. 732-636-5705
WWW.MSMLABORLAW.COM

JAMES M. METS*
LEONARD C. SCHIRO
KEVIN P. MCGOVERN+
DAVID B. BECKETT*

PETER B. PARIS,^
OF COUNSEL

MICHAEL CARBONARO*
BRIAN J. MANETTA*
RYAN S. CARLSON*

*MEMBER N.J. & N.Y. BARS
+MEMBER NJ & PA BAR
^MEMBER NJ, MD., & D.C. BARS

November 16, 2011

Via Overnight Mail and Email

Moshood Muftau, Assistant County Counsel
County of Union-Office of County Counsel
Administration Building-5th Floor
2 Elizabethtown Plaza
Elizabethtown, NJ 07207

RE: McGuire v. UCPO et al.
Civil Action No. 11-01989 (FSH)

Dear Mr. Mouftau:

Enclosed please find Plaintiff, Stephen McGuire's Notice of Deposition to Defendant, Chief Robert T. Buccino in this matter. Please note that Plaintiff intends to hold Defendant Buccino's deposition on Thursday December 1, 2011.

If you have questions or would like to discuss this matter further, please do not hesitate to contact me.

Very truly yours,

METS SCHIRO & MCGOVERN, LLP



Leonard C. Schiro, Esq.

cc: Evan Lison, Esq. (w/enc).

UNION COUNTY COUNSEL
RECEIVED
NOV 17 2011
ADMINISTRATION BUILDING
ELIZABETH, NJ

Leonard C. Schiro, Esq.
METS SCHIRO & MCGOVERN, LLP
555 U.S. Highway One South
Suite 240
Iselin, New Jersey 08830
Attorneys for Plaintiff,
Stephen McGuire

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

STEPHEN MCGUIRE,

Plaintiff,

vs.

UNION COUNTY PROSECUTOR'S
OFFICE, et al,

Defendants.

CIVIL ACTION No. 11-1989 (FSH)

NOTICE TO TAKE ORAL DEPOSITION
ON DEFENDANT
CHIEF ROBERT T. BUCCINO

TO: Moshood Muftau, Esq.
Assistant County Counsel
County of Union-Office of County Counsel
Administration Building-5th Floor
2 Elizabethtown Plaza
Elizabethtown, NJ 07207
Attorneys for Defendant
Chief Robert T. Buccino

COUNSEL:

PLEASE TAKE NOTICE that in accordance with the Federal Rules of Civil Practice and Procedure, the testimony of Defendant, Chief Robert T. Buccino, will be taken by deposition upon oral examination before a person authorized by the laws of the State of New Jersey to administer oaths on **Thursday, December 1, 2011 at 10:00 A.M.** at Mets Schiro & McGovern, LLP, 555 U.S. Highway One South, Suite 240, Iselin, NJ

08830, and each day thereafter until completed, with respect to all matters relevant to the subject matter involved in this action.

PLEASE TAKE FURTHER NOTICE that in accordance with the Federal Rules of Civil Practice and Procedure, Plaintiffs request that you bring to the deposition the documents and information requested in the attached **Schedule A**.

METS SCHIRO & MCGOVERN, LLP
Attorneys for Plaintiffs

By: 
LEONARD C. SCHIRO ESQ.

Dated: November 16, 2011

SCHEDULE A

1. Any and all documents that you might use in this matter that were not previously produced to Plaintiff.
 2. Any information or documents supplementing your previous responses to Plaintiff's discovery requests.
-



BAUCH | ZUCKER | HATFIELD LLC
ATTORNEYS AT LAW

871 MOUNTAIN AVENUE
SUITE 200
SPRINGFIELD, NEW JERSEY 07081
TEL 973.376.4000
FAX 973.376.4033
WWW.BZH-LAW.COM

EVAN M. LISON
ADMITTED NJ, NY & DC

EML@BZH-LAW.COM
CELL 973.738.2511

November 10, 2011

VIA FIRST CLASS MAIL & EMAIL

Leonard Schiro, Esq.
Mets, Shiro & McGovern, LLP
555 U.S. Highway One South
Iselin, N.J. 08830

UNION COUNTY COUNSEL
RECEIVED
NOV 15 2011
ADMINISTRATION BUILDING
ELIZABETH, NJ

Re: McGuire v. UCPO et al.
Civil Action No. 11-01989 (FSH/PS)

Dear Mr. Schiro:

Enclosed please find Defendants Union County Prosecutor's Office's and Prosecutor Theodore J. Romankow's Notice of Deposition to Plaintiff in this matter. Please note that Defendants intend to hold Plaintiff's deposition on Wednesday, November 30, 2011.

If you have any questions or would like to discuss this matter further, please do not hesitate to contact me.

Very truly yours,

BAUCH ZUCKER HATFIELD LLC

Evan M. Lison

EML:bms
Enc.

cc: Moshood Muftau, Assistant County Counsel (w/enc.)
(Via First Class Mail)

EVAN M. LISON, ESQ.
BAUCH ZUCKER HATFIELD LLC
871 Mountain Avenue, Suite 200
Springfield, New Jersey 07081
(973) 376-4000
Attorneys for Defendants, Union County Prosecutor's Office and
Prosecutor Romankow

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

STEPHEN MCGUIRE,

Plaintiff,

v.

UNION COUNTY PROSECUTOR'S OFFICE,
OF THE STATE OF NEW JERSEY;
PROSECUTOR THEODORE J.
ROMANKOW; and ROBERT T. BUCCINO,
CHIEF OF DETECTIVES, UNION COUNTY
PROSECUTOR'S OFFICE,

Defendants.

Civil Action No. 11-cv-01989 (FSH/PS)

Civil Action

**NOTICE TO TAKE ORAL DEPOSITION
OF PLAINTIFF STEPHEN MCGUIRE**

TO: Leonard Schiro, Esq.
Mets, Shiro & McGovern, LLP
555 U.S. Highway One South
Iselin, N.J. 08830
Attorneys for Plaintiff Stephen McGuire

SIR:


PLEASE TAKE NOTICE that in accordance with the Rules of Civil Practice and Procedure, your testimony will be taken by deposition upon oral examination before a person authorized by the laws of the State of New Jersey to administer oaths on **November 30, 2011 at 9:30 A.M.** at Bauch Zucker Hatfield LLC, 871 Mountain Avenue, Suite 200, Springfield, NJ 07081, and each day thereafter until completed, with respect to all matters relevant to the subject

matter involved in this action.

PLEASE TAKE FURTHER NOTICE that in accordance with the Rules of Civil Practice and Procedure, Defendants request that you bring to the deposition the documents and information requested in the attached **Schedule A**.

BAUCH ZUCKER HATFIELD LLC
Attorneys for the Defendants

By:



Evan M. Lison

Dated: November 10, 2011

SCHEDULE A

Any documents or things that you might use in this matter that were not previously produced to Defendants.

Any information or documents supplementing your previous responses to Defendants' discovery requests.



COUNTY OF UNION

OFFICE OF THE COUNTY COUNSEL

Robert E. Barry, Esq., County Counsel

BOARD OF
CHOSEN FREEHOLDERS

DEBORAH P. SCANLON
Chairman

ALEXANDER MIRABELLA
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BETTE JANE KOWALSKI

DANIEL P. SULLIVAN

NANCY WARD

ALFRED J. FAELLA
County Manager

M. ELIZABETH GENIEVICH,
C.M.C., M.P.A.
*Deputy County Manager/
Director of Administrative
Services*

ROBERT E. BARRY, ESQ.
County Counsel

NICOLE L. DIRADO,
C.M.C., M.P.A.
Clerk of the Board

November 14, 2011

VIA Electronic Filing
The Honorable Patty Shwartz, U.S.M.J.
United States District Court
District of New Jersey
Martin Luther King, Jr. Federal Bldg
US Courthouse
50 Walnut Street
Newark, NJ 07102

Re: McQuire v. UCPO et. als.
Civil Action No-2:11-01989

Dear Judge Shwartz,

On behalf of Defendant, Robert Buccino, Chief of Detective, please find attached Notice of Motion to Extend the Discovery Period, Certification in support thereof, proposed form of Order and Certification of Service. Thank you for your attention to this matter.

Respectfully Submitted,

ROBERT E. BARRY
Union County Counsel
Attorneys for Defendant

/s/ Moshood Muftau

Moshood Muftau
Assistant County Counsel

cc. Leonard C. Schiro, Esq. (via ECF)
Kathy Hatfield, Esq. (via ECF)

ADMINISTRATION BUILDING

Elizabethtown Plaza

Elizabeth, NJ 07207

(908)527-4250

fax(908)289-4230

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We're Connected to You!

ROBERT E. BARRY, ESQ.
Union County Counsel
Department of Law
Administration Building
Elizabeth, New Jersey 07207
(908) 527-4250
Attorney for Defendant,
Chief of Detectives Robert T. Buccino

BY: MOSHOOD MUFTAU, ESQ.
Assistant County Counsel

STEPHEN MCGUIRE,

Plaintiff,

vs.

UNION COUNTY PROSECTUOR'S
OFFICE, OF THE STATE OF NEW
JERSEY; PROSECUTOR THEODORE
J. ROMANKOW; and ROBERT T.
BUCCINO, CHIEF OF DETECTIVES,
UNION COUNTY PROSECUTOR'S
OFFICE,

Defendants

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
Civil Action No. 11-CV-01989 (FSH/PS)

**NOTICE OF MOTION TO EXTEND
TIME FOR DISCOVERY**

TO: Leonard C. Schiro, Esq.
Mets, Schiro & McGovern, LLC
655 Florida Grove Rd. PO Box 668
Woodbridge, NJ 0709

Kathy Hatfield, Esq.
Bauch, Zucker, Hatfield, LLC
871 Mountain Ave., Suite 200
Springfield, NJ 0708

William Walsh, Clerk
United States District Court
For the District of New Jersey
Martin Luther King Jr. Fed.
Bldg. & U.S. Courthouse
50 Walnut Street
Newark, NJ 07102

SIRS:

PLEASE TAKE NOTICE that on a date set by the Court, or as soon thereafter as counsel may be heard, the undersigned, attorney for Defendant County of Union will move before the Judge assigned to hear civil motions at the US District Court, Newark, New Jersey for an Order Extending the Discovery End Date.

In support of this Motion, Defendant will rely upon the annexed Certification of Counsel and Attachments. Proposed Order is submitted herewith. Fed. R. Civ. P. 78

This Motion is being submitted for a resolution on the papers. However, if opposition papers are submitted, oral argument is respectfully requested on this Motion.

ROBERT E. BARRY, ESQ.
UNION COUNTY COUNSEL

DATED: 11-14-01

By:



MOSHOOD MUFTAU
Assistant County Counsel

ROBERT E. BARRY, ESQ.
Union County Counsel
Department of Law
Administration Building
Elizabeth, New Jersey 07207
(908) 527-4250
Attorney for Defendant,
Chief of Detectives Robert T. Buccino

BY: MOSHOOD MUFTAU, ESQ.
Assistant County Counsel

STEPHEN MCGUIRE,	:	UNITED STATES DISTRICT COURT
	:	FOR THE DISTRICT OF NEW JERSEY
	:	Civil Action No. 11-CV-01989 (FSH/PS)
	:	
Plaintiff,	:	
vs.	:	CERTIFICATION OF COUNSEL
	:	
UNION COUNTY PROSECTUOR'S	:	
OFFICE, OF THE STATE OF NEW	:	
JERSEY; PROSECUTOR THEODORE	:	
J. ROMANKOW; and ROBERT T.	:	
BUCCINO, CHIEF OF DETECTIVES,	:	
UNION COUNTY PROSECUTOR'S	:	
OFFICE,	:	
	:	
Defendants	:	

1. I am an attorney at law of the State of New Jersey and I am employed as an Assistant County Counsel for the County of Union. In this capacity, I represent the Defendant, Robert Buccino, Union County Prosecutor's Chief of Detectives in connection with the above entitled matter.

2. The fact discovery period end date in this matter is December 7, 2011. (See Pretrial Scheduling Order)

3. I was formally assigned this case on the afternoon of November 10, 2011. Previous Counsel will no longer be an attorney in my office as of November 16, 2011.

4. I filed a Substitution of Counsel with this Court on November 14, 2011. (See Substitution of Counsel).


5. I seek a short extension of the discovery period to thoroughly review my case and develop my case strategy.

6. At this moment, I do not know if I will conducting more depositions or seek answers to supplemental interrogatories, but I would like reserve that right.

7. I have taken into account that it is a Holiday season towards the end of November/December so availability of witness can be limited.

8. Therefore, I respectfully request that the Court enter an Order extending Discovery for thirty (30) days.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are true are willfully false, I am subject to punishment.



MOSHOOD MUFTAU
Assistant County Counsel

Dated: November 14, 2011

II. DISCOVERY AND MOTION PRACTICE

4. a. Fed. R. Civ. P. 26 disclosures are to be exchanged on or before **completed**.

b. No later than **June 30, 2011**, the parties shall submit a proposed discovery confidentiality order and certification as required by Local Civ. R. 5.3¹.

5. Discovery necessary to engage in meaningful settlement discussions: (a) plaintiff's personnel file and (b) plaintiff's deposition which will be produced/completed by **September 6, 2011**.

6. a. The parties may serve interrogatories limited to **25** single questions including subparts and requests for production of documents on or before **June 21, 2011**, which shall be responded to no later than **July 21, 2011**.

7. The number of depositions to be taken by each side shall not exceed **10**. No objections to questions posed at depositions shall be made other than as to lack of foundation, form or privilege. See Fed. R. Civ. P. 32(d) (3) (A). No instruction not to answer shall be given unless a privilege is implicated. The depositions are to be completed no later than **December 7, 2011**.

8. Fact discovery is to remain open through **December 7, 2011**. No discovery is to be issued or engaged in beyond that date, except upon application and for good cause shown.

9. Counsel shall confer in a good faith attempt to informally resolve any and all discovery disputes before seeking the Court's intervention. Should such informal effort fail to resolve the dispute, the matter shall be brought to the Court's attention via a joint letter that sets forth: (a) the request, (b) the response; (c) efforts to resolve the dispute; (d) why the complaining party believes the information is relevant and why the responding party's response continues to be deficient; and (e) why the responding party believes the response is sufficient. No further submissions regarding the dispute may be submitted without leave of Court. If necessary, the Court will thereafter schedule a telephone conference to resolve the dispute.

No discovery motion or motion for sanctions for failure to provide discovery shall be filed before utilizing the procedures set forth in these paragraphs without prior leave of Court.

Any unresolved discovery disputes (other than those that arise during depositions) must be brought before the Court no later than **August 16, 2011 at 3:00 p.m.** The Court will not entertain applications concerning discovery matters, informally or otherwise, after this date. If an unresolved dispute arises at a deposition, then the parties shall contact the Chambers of the Undersigned for assistance during the deposition.

10. Any motion to amend pleadings or join parties must be filed by **none**.

¹If a party seeks to file under seal information submitted in connection with a request for non-discovery relief, then the party shall: (1) consult Local Civ. R. 5.3 and (2) contact the Chambers of the Undersigned for instructions regarding the format for presenting such a motion.

11. All dispositive motions shall be discussed in advance of filing with the Undersigned either in person or by teleconference. Any and all dispositive motions must be filed no later than **January 13, 2012** and must be comply with Local Rule 7.1. No pretrial dispositive motions will be entertained after that date. Any responses shall be submitted no later than **January 23, 2012** and any replies shall be submitted no later than **January 30, 2012**. The return date shall be **February 6, 2012** before the Hon. Faith S. Hochberg. Her Honor's chambers will advise the parties if oral argument will be required.

III. EXPERTS

12. All affirmative expert reports shall be delivered by **October 12, 2011**.

13. All responding expert reports shall be delivered by **November 12, 2011**.

14. a. All expert reports are to be in the form and content as required by Fed. R. Civ. P. 26(a)(2)(B). No expert shall testify at trial as to any opinions or base those opinions on facts not substantially disclosed in the experts report.

b. All expert depositions shall be completed by **December 7, 2011**.

c. Daubert motions shall be filed no later than **January 13, 2012**.

IV. FINAL PRETRIAL CONFERENCE

15. The final pretrial conference shall be conducted pursuant to Fed. R. Civ. P. 16(d) on **March 6, 2012 at 10:00 a.m.** The final pretrial conference will occur even if dispositive motions are pending. The Court will adjourn the Final Pretrial conference only if the requesting party makes a compelling showing that manifest injustice would otherwise result absent adjournment.

16. Not later than 20 working days before the pretrial conference, the parties shall exchange copies of all proposed trial exhibits. Each exhibit shall be pre-marked with an exhibit number conforming to the party's exhibit list.

17. All counsel are directed to assemble at the office of Plaintiff's counsel not later than **ten (10) days** before the pretrial conference to prepare the proposed Joint Final Pretrial Order in the form and content required by the Court. Plaintiff's counsel shall prepare the Joint Pretrial Order and shall submit it to all other counsel for approval and execution.

18. With respect to non-jury trials, each party shall submit to the District Judge and to opposing counsel proposed Findings of Fact and Conclusions of Law, trial briefs and any hypothetical questions to be put to an expert witness on direct examination.

19. The original of the Final Pretrial Order shall be delivered to the CHAMBERS of the Undersigned no later than **February 28, 2012 at 3:00 p.m.** All counsel are responsible for the timely submission of the Pretrial Order.

20. The Court expects to engage in meaningful settlement discussions at the final pretrial conference. Therefore, trial counsel who actually has full settlement authority must attend the conference and clients or other persons with full settlement authority must be available by telephone.

V. MISCELLANEOUS

21. The Court may from time to time schedule conferences as may be required, either sua sponte or at the request of a party.

22. Since all dates set forth herein are established with the assistance and knowledge of counsel, there will be no extensions except for good cause shown and by leave of Court, even with consent of all counsel. Any request to extend any deadline or to adjourn a court event shall be made no later than three days before the scheduled date and shall reflect: (1) the good cause the requesting party believes supports the extension or adjournment and (2) whether or not all parties consent to the request. Absent unforeseen emergent circumstances, the Court will not entertain requests to extend deadlines that have passed as of the date of the request.

23. A copy of every pleading, document or written communication with the Court shall be served on all other parties to the action. Any such communication which does not recite or contain a certification of such service may be disregarded by the Court.

24. Absent permission from Chambers, communications to the Court by facsimile will not be accepted. All communications to the Court shall be in writing or by telephone conference.

25. **FAILURE TO COMPLY WITH THE TERMS OF THIS ORDER MAY RESULT IN SANCTIONS.**

s/Patty Shwartz
UNITED STATES MAGISTRATE JUDGE

ROBERT E. BARRY, ESQ.
Union County Counsel
Department of Law
Administration Building
Elizabeth, New Jersey 07207
(908) 527-4250
Attorney for Defendant,
Chief of Detectives Robert T. Buccino

BY: MOSHOOD MUFTAU, ESQ.
Assistant County Counsel

STEPHEN MCGUIRE,	:	UNITED STATES DISTRICT COURT
	:	FOR THE DISTRICT OF NEW JERSEY
	:	Civil Action No. 11-CV-01989 (FSH/PS)
	:	
Plaintiff,	:	
	:	
vs.	:	SUBSTITUTION OF ATTORNEY
	:	
UNION COUNTY PROSECTUOR'S	:	
OFFICE, OF THE STATE OF NEW	:	
JERSEY; PROSECUTOR THEODORE	:	
J. ROMANKOW; and ROBERT T.	:	
BUCCINO, CHIEF OF DETECTIVES,	:	
UNION COUNTY PROSECUTOR'S	:	
OFFICE,	:	
	:	
Defendants	:	

The undersigned hereby consents to the substitution of Moshood Muftau, Assistant County Counsel, as attorney for Robert T. Buccino.

ROBERT E. BARRY, ESQ.
Union County Counsel

By: *Alexandra Defresco*
ALEXANDRA DEFRESCO
Assistant County Counsel
Withdrawing Attorney

By: *Moshood Muftau*
MOSHOOD MUFTAU
Assistant County Counsel
Superseding Attorney

Other Documents

2:11-cv-01989-FSH -PS MCGUIRE v. UNION COUNTY PROSECUTOR'S OFFICE et al
RULE16, SCHEDO

U.S. District Court**District of New Jersey [LIVE]****Notice of Electronic Filing**

The following transaction was entered by MUFTAU, MOSHOOD on 11/14/2011 at 8:56 AM EST and filed on 11/14/2011

Case Name: MCGUIRE v. UNION COUNTY PROSECUTOR'S OFFICE et al

Case Number: 2:11-cv-01989-FSH -PS

Filer:

Document Number: 14

Docket Text:

Substitution of Attorney - Attorney ALEXANDRA DEFRESCO terminated. Attorney MOSHOOD MUFTAU for ROBERT BUCCINO added.. (MUFTAU, MOSHOOD)

2:11-cv-01989-FSH -PS Notice has been electronically mailed to:

ALEXANDRA DEFRESCO adefresco@ucnj.org, aliedefresco@aol.com

KATHRYN V. HATFIELD kvh@bzh-law.com

LEONARD C. SCHIRO lschiro@msmlaborlaw.com

MOSHOOD MUFTAU mmuftau@ucnj.org, moshood.muftau@gmail.com

2:11-cv-01989-FSH -PS Notice will not be electronically mailed to::

The following document(s) are associated with this transaction:

Document description:Main Document

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[STAMP dcecfStamp_ID=1046708974 [Date=11/14/2011] [FileNumber=5467110-0] [70ed8e10e2a2a27d533d1dda4d2847e4dc5779230a4d6bbfdf29b7a674ac847a664714b05dc37a1203d01e6190fe9dba10706ccba5a23c69f1bc5d95f8b3afe9]]

ROBERT E. BARRY, ESQ.
Union County Counsel
Department of Law
Administration Building
Elizabeth, New Jersey 07207
(908) 527-4250
Attorney for Defendant,
Chief of Detectives Robert T. Buccino

BY: MOSHOOD MUFTAU, ESQ.
Assistant County Counsel

STEPHEN MCGUIRE,

Plaintiff,

vs.

UNION COUNTY PROSECTUOR'S
OFFICE, OF THE STATE OF NEW
JERSEY; PROSECUTOR THEODORE
J. ROMANKOW; and ROBERT T.
BUCCINO, CHIEF OF DETECTIVES,
UNION COUNTY PROSECUTOR'S
OFFICE,

Defendants

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
Civil Action No. 11-CV-01989 (FSH/PS)

**ORDER EXTENDING
TIME FOR DISCOVERY**

This matter having been opened to the Court by the Defendant, Robert Buccino, on Notice of Motion to Extend Time for Discovery, and the Court having reviewed the moving papers and the Certification supporting the Motion, and good cause having been shown;

IT IS on this day of , 2011,

ORDERED, that the end date of discovery be extended for a period of thirty (30) days to January 7, 2012; and it is further

ORDERED, that a copy of this Order shall be served upon all parties within _____ seven
(7) days of the date of this Order.

U.S.M.J.

ROBERT E. BARRY, ESQ.
Union County Counsel
Department of Law
Administration Building
Elizabeth, New Jersey 07207
(908) 527-4250
Attorney for Defendant,
Chief of Detectives Robert T. Buccino

BY: MOSHOOD MUFTAU, ESQ.
Assistant County Counsel

STEPHEN MCGUIRE,

Plaintiff,

vs.

**UNION COUNTY PROSECTUOR'S
OFFICE, OF THE STATE OF NEW
JERSEY; PROSECUTOR THEODORE
J. ROMANKOW; and ROBERT T.
BUCCINO, CHIEF OF DETECTIVES,
UNION COUNTY PROSECUTOR'S
OFFICE,**

Defendants

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
: Civil Action No. 11-CV-01989 (FSH/PS)**

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CERTIFICATION OF SERVICE

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I hereby certify that a copy of the Notice of Motion to Extend Discovery End Date, Certification in support of, and proposed Order filed with the Clerk of U.S. District Court, District of New Jersey, Newark, New Jersey on November 14, 2011 have been electronically sent to:

Kathy Hatfield, Esq
Leonard Schiro, Esq.

ROBERT E. BARRY
Union County Counsel
Attorneys for Defendants

/s/ Moshood Muftau

Dated: November 14, 2011

Moshood Muftau
Assistant County Counsel