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DATE FILED: 10/21/14

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
MARY K. JONES,

Plaintiff,

-against-

PFIZER, INC. et al.,

Defendants.
----- X

**ORDER REGULATING
WITNESS' INVOCATION OF 5TH
AMENDMENT**

10 Civ. 3864 (AKH)


ALVIN K. HELLERSTEIN, U.S.D.J.:

An issue in the final stages of discovery proceedings has arisen. Plaintiffs seek to take the deposition of a witness, Mary Holloway. The witness, through counsel, advises that she will invoke her Fifth Amendment privilege not to answer questions that tend to incriminate herself. The parties, by joint letter dated October 15, 2014, pursuant to my Individual Rule 2E, ask me to rule. I order as follows:

1. The issue must be resolved promptly, not deferred until trial. There are no acceptable alternatives equivalent to the witness' testimony.
2. Plaintiffs' selection of Holloway for deposition is a reasonable and appropriate selection. Similarly, Holloway's request for an opportunity to submit supporting materials, and for a hearing, is reasonable and appropriate.
3. Holloways' request for a hearing is granted.
4. Plaintiffs and defendants shall submit to Holloway, through her counsel, the subjects on which they propose to question Holloway, as specifically as feasible. The submissions shall be made by October 24, 2014, by 4:00 p.m.
5. All supporting, and opposing, materials and memoranda shall be filed and served by 12:00 p.m. on October 28, 2014.
6. A hearing on the issue will be held October 30, 2014, 2:30 p.m., at 500 Pearl Street, Courtroom 14D. Holloway shall attend.

SO ORDERED.

Dated: October 21, 2014
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge

Regan Karstrand

From: NYSJ_ECF_Pool@nysd.uscourts.gov
Sent: Tuesday, October 21, 2014 12:32 PM
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U.S. District Court

Southern District of New York

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Case Name: Jones et al v. Pfizer, Inc. et al

Case Number: [1:10-cv-03864-AKH](#)

Filer:

Document Number: [230](#)

Docket Text:

ORDER REGULATING WITNESS' INVOCATION OF 5th AMENDMENT re: [223] Letter, filed by Stichting Philips Pensioenfonds, Mary K. Jones: The issue must be resolved promptly, not deferred until trial. There are no acceptable alternatives equivalent to the witness' testimony. Plaintiffs' selection of Holloway for deposition is a reasonable and appropriate selection. Similarly, Holloway's request for an opportunity to submit supporting materials, and for a hearing, is reasonable and appropriate. Holloways' request for a hearing is granted. Plaintiffs and defendants shall submit to Holloway, through her counsel, the subjects on which they propose to question Holloway, as specifically as feasible. The submissions shall be made by October 24, 2014, by 4:00 p.m. All supporting, and opposing, materials and memoranda shall be filed and served by 12:00 p.m. on October 28, 2014. A hearing on the issue will be held October 30, 2014, 2:30 p.m., at 500 Pearl Street, Courtroom 14D. Holloway shall attend. (Signed by Judge Alvin K. Hellerstein on 10/21/2014) (tn)

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