

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FIVE BOROUGH BICYCLE CLUB, et al.,

Plaintiffs,

-against-

07 Civ. 2448 (LAK)

THE CITY OF NEW YORK, et al.,

Defendants.
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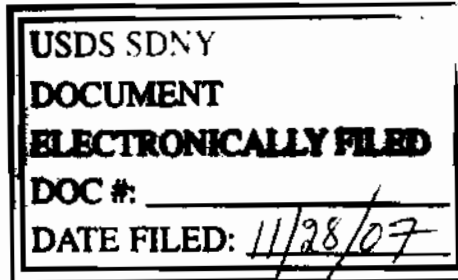
ORDER

LEWIS A. KAPLAN, *District Judge.*

Plaintiffs move to compel production of documents responsive to Requests 4-6, 7(g), 7(h), 7(i) and 11 of their initial request for documents. The City's principal response is that the collection of all of the responsive documents would impose an undue burden.

One point may be disposed of generally at the outset. To the extent plaintiffs seek to require the production of memo books kept, or memo book entries made, by individual police officers, other than those who made arrests of or issued summonses to, named plaintiffs, the defendants' objection is sustained without prejudice to the framing of more specific requests. It manifestly would be unreasonable to ask the New York City Police Department to comb the memo books of tens of thousands of officers for a period of years in the hope of turning up something responsive to plaintiffs' requests.

A more general point also may be made. The Federal Rules of Civil Procedure permit broad discovery. But there are limits, and the limits go beyond relevancy. Among other things, the extent of use of the discovery methods shall be limited upon a finding that the burden or expense of the requested discovery outweighs its likely benefit, taking into account the needs of the case and other pertinent factors. Fed. R. Civ. P. 26(b)(2). In resolving this dispute, the Court has taken this into account and endeavored to craft a reasonable compromise between the quite obviously well founded concerns of the City in respect of the burden of conducting a massive document search in a department with 35,000 or 40,000 uniformed officers and the plaintiffs' equally obvious interests in getting at the basic facts needed to litigate this case. What is needed to litigate the case, however, is not necessarily every scrap of paper that might conceivably lead to relevant evidence.



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On the basis of, and subject to, the foregoing, the motion to compel [docket item 29] is granted to the following extent:

1. Defendants shall comply with Request No. 4 as modified to strike therefrom the words "Concerning, constituting or used in connection with any Application, including without limitation any" and substituting therefor the words "All Documents Concerning or constituting any".

2. Defendants shall comply with Request No. 5 to the extent that it calls for documents maintained at, or archived by, police headquarters and any borough command. This is without prejudice to any reasonable request by plaintiffs, upon a proper showing, for documents maintained at, or archived by, other units.

3. Defendants shall comply with Request No. 6.

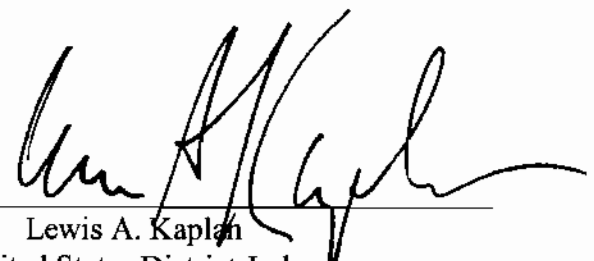
4. The prefatory language of Request No. 7 is modified to read "All Documents Concerning". As thus modified, defendants shall comply with Requests 7(g), 7(h) and 7(i) for Critical Mass rides held on the final Friday of any month and such additional Group Bicycle Rides as plaintiffs identify to defendants on or before December 10, 2007.

5. Defendants' objection to Request No. 11 is sustained without prejudice to plaintiffs' service of an interrogatory calling upon defendants to describe any undercover or electronic surveillance of Group Bicycle Rides. The Court will consider the issue of document production in the light of any answer to such an interrogatory.

The motion is denied in all other respects.

SO ORDERED.

Dated: November 27, 2007



Lewis A. Kaplan
United States District Judge