



32 N.Y.2d 486, 498 (1973) (redirect examination properly within scope of matters covered on cross-examination); *People v. Ward*, 10 A.D.3d 805, 806 (3d Dep't 2004) ("the scope of redirect examination . . . was circumscribed and limited to what the cross-examination justified"); *Ingebretsen v. Manha*, 218 A.D.2d 784, 631 N.Y.S.2d 72, 73 (2d Dep't 1995) ("the re-direct examination of a witness should be confined to the matters brought out on cross-examination").

Even beyond this unambiguous rule governing the conduct of the pre-trial depositions, the Court, and by extension the Special Master, possesses the discretionary authority to limit the scope and duration of any such examination before trial. See CPLR 3103(a) ("[t]he court may at any time . . . condition[] or regulat[e] the use of any disclosure device"). See also *Nathel v. Nathel*, 55 A.D.3d 434, 434 (1<sup>st</sup> Dep't 2008) (in light of the imminence of trial, the court was fully justified in limiting the scope and duration of the deposition). This has always been the case in NYCAL and is standard procedure, especially in the *in extremis* context where the deponents are terminally ill plaintiffs. I can only surmise that counsel's lack of familiarity with the deposition process in NYCAL, the limitations on depositions of terminally ill plaintiffs, and the role of the Special Master in supervising discovery contributed to his unfounded objections to the ruling.

With respect to Ford's claims of obstructionist and otherwise improper conduct on the part of counsel for plaintiff, I find those claims to be largely without merit in this case. Counsel for plaintiff made proper objections in an attempt to prevent Ford's improper line of questioning and when counsel for Ford persisted, he ultimately asked the Special Master to intervene. Moreover, the time to raise issues about attorney conduct is during the deposition at the time the alleged impropriety occurs, not, as here, twelve days after the conclusion of the deposition. That, too, is standard NYCAL procedure. In any event, even if counsel for plaintiff had engaged in improper conduct, such conduct still would not have permitted Ford to re-open the deposition and engage in a line of questioning that is impermissible.

Ford's application to reopen the deposition is denied.

	/S/
	Laraine Pacheco, Special Master December 28, 2009