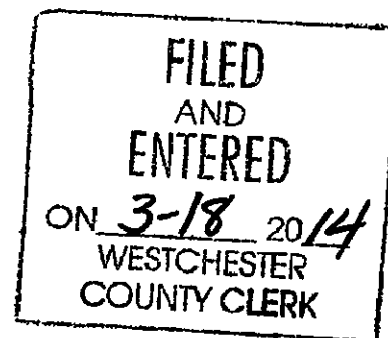


To commence the statutory time period for appeals as of right [CPLR 5513(a)], you are advised to serve a copy of this order, with notice of entry upon all parties.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER - COMPLIANCE PART



-----X  
THOMAS P. REID, Individually and on behalf of the  
Estate of ROBERT REID, Deceased,

Plaintiff,

-against-

**DECISION & ORDER**

Index No. 14132/09

CLIFFORD B. SOULTS, M.D., WALTER GEORGE  
RUSYNIAK, JR, M.D. a/k/a W. GEORGE  
RUSYNIAK, M.D., ADIRONDACK NEUROSURGICAL  
SPECIALISTS, P.C., SUSHMA KAUL, M.D.  
PULMONARY CRITICAL CARE ASSOCIATES, L.L.P.  
a/k/a PULMONARY & CRITICAL CARE ASSOCIATES,  
ROGER P. BOWERS, M.D., LOUIS J. TATARICA, M.D.,  
RAPHAEL J. ULCER, M.D., MOHAWK VALLEY  
IMAGING P.C., ST. ELIZABETH MEDICAL CENTER  
a/k/a ST. ELIZABETH HOSPITAL, 'IROQUOIS  
HEALTHCARE ALLIANCE, INC.' a/k/a IROQUOIS  
HEALTHCARE ALLIANCE HOSPITAL SYSTEM and  
IROQUOIS HEALTHCARE ASSOCIATION, INC.,

Defendants.

-----X  
LEFKOWITZ, J.

Upon review by the Appellate Division Second Department, this matter was remitted for an *in camera* review of a YouTube video compilation and for a new determination of those branches of a motion made on behalf of defendants Clifford Soult, M.D. and Adirondack Neurosurgical Specialists, P.C. to compel plaintiff to comply with defendants' demand for discovery and inspection with respect to the YouTube video and compelling nonparty Thomas Reid, Jr., the decedent's brother, to provide an authorization for YouTube.

Counsel for Clifford Soult, M.D. and Adirondack Neurosurgical Specialists, P.C. located and disclosed a YouTube video entitled "Rob Reid Raw and Uncut," which was publicly posted on the internet by nonparty Thomas Reid, Jr. Defense counsel served plaintiff with a supplemental response to combined demands dated November 11, 2011 exchanging the video, then the video was reportedly made private or removed from the internet. The moving defendants asserted the video contains clips of the decedent drinking, smoking, and using guns. Defendants argued the video is relevant to the wrongful death claim, decedent's life expectancy,

the issue of damages, and an order directing the nonparty to provide an authorization for his YouTube account was warranted. Plaintiff argued the YouTube video has no relevance to the claims in this action and the discovery at issue was being improperly sought for purposes of attacking the decedent's character. In an amended decision and order dated March 21, 2012 (Lefkowitz, J.), the Court found there was no showing on the motion that any video posted on YouTube is relevant to the claims in this matter. Defendants Clifford Soultz, M.D. and Adirondack Neurosurgical Specialists, P.C. appealed from so much of the amended order as denied those branches of their motion which were to compel plaintiff to comply with their demand for discovery and inspection with respect to the YouTube video and to compel the nonparty to provide an authorization for his YouTube account. In a decision and order dated February 26, 2014, the Appellate Division found the papers submitted on the motion were insufficient to make a determination as to whether the requested discovery is relevant to the issues of pecuniary loss and life expectancy and the Court should have examined the videotape *in camera* prior to making its determination.

By letter dated March 5, 2013 counsel for Clifford Soultz, M.D. and Adirondack Neurosurgical Specialists, P.C. provided the Court with a disc containing the YouTube video at issue for *in camera* review. The five minute fifteen second video is a compilation of undated video clips depicting the decedent shooting a gun, drinking, smoking, cursing, interacting with women, and dancing with commentary by the unidentified person taking the video. Upon review of the YouTube video, the Court finds it is not relevant to the health and life expectancy of the decedent, the issue of pecuniary loss, or the claims in this case.

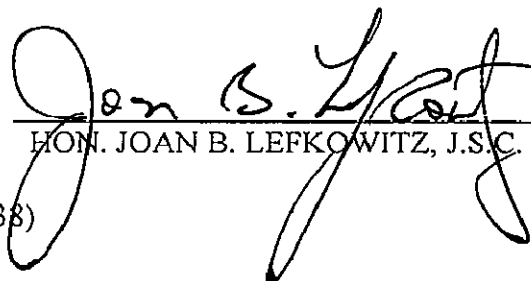
In view of the foregoing, it is

ORDERED that the branches of defendants' motion to compel plaintiff to comply with their demand for discovery and inspection with respect to the YouTube video, and compelling nonparty Thomas Reid, Jr. to provide an authorization for YouTube are denied; and it is further

ORDERED that counsel for Clifford Soultz, M.D. and Adirondack Neurosurgical Specialists, P.C. shall pick up the disc submitted to the court for *in camera* review from the "Pick Up" basket in the office of Carolyn Carpenito, Compliance Part Clerk, on the 8th Floor of the Courthouse.

The foregoing constitutes the decision and order of this Court.

Dated: White Plains, New York  
March 18, 2014



HON. JOAN B. LEFKOWITZ, J.S.C.

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cc: Hon. Charles D. Wood, J.S.C.