

SUPREME COURT OF THE STATE OF NEW YORK — NEW YORK COUNTY  
PRESENT: GEOFFREY D.S. WRIGHT PART 47  
*Justice*

JOHN M. ROAZZI,  
Plaintiff/Petitioner,

INDEX NO. 152129/16  
MOTION DATE \_\_\_\_\_

- v -

US BUILDER CORP., UNITED ALLIANCE ENTERPRISES  
LLC, GRANIT GJONBALAJ and GJONBALAJ,  
Defendant/Respondent

MOTION SEQ. NO 1  
MOTION CAL. \_\_\_\_\_

The following papers, numbered 1 to 3 were read on this motion to/for protective order

	<u>PAPERS NUMBERED</u>
Notice of Motion/ Order to Show Cause — Affidavits — Exhibits ...	1 _____
Answering Affidavits — Exhibits _____	2 _____
Replying Affidavits _____	3 _____
Memoranda _____	

Cross-Motion:  Yes  No

Upon the foregoing papers, it is ordered that this motion to by the Plaintiff for a protective order as to items 12 and 15 as to the Defendants' discovery demands is granted without prejudice as to item 12 and denied as to item 15, a/p/o.

Dated: Sept. 13, 2016

  
GEOFFREY D. WRIGHT  
J.S.C. AJSC

Check one: FINAL DISPOSITION  NON-FINAL DISPOSITION

Check if appropriate:  DO NOT POST

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: Part 47

-----X  
JOHN M. ROAZZI,

Plaintiff-Petitioner(s),

-against-

US BUILDERS CORP., UNITED ALLIANCE  
ENTERPRISES, LLC, GRANIT GJONBALAJ  
and ALBERT GJONBALAJ,  
Defendants.  
-----X

Index #152129/16  
Motion Cal. #  
Motion Seq. #1  
DECISION/ORDER  
Pursuant To Present:  
Hon. Geoffrey Wright  
Judge, Supreme Court

Recitation, as required by CPLR 2219(a), of the papers considered in the review of  
this Motion to: grant a protective order


PAPERS	NUMBERED
Notice of Petition/Motion, Affidavits & Exhibits Annexed	1
Order to Show Cause, Affidavits & Exhibits	
Answering Affidavits & Exhibits Annex	2
Replying Affidavits & Exhibits Annexed	3
Cross-motion & Exhibits Annexed	
Supporting Affidavits	
Memoranda	

Upon the foregoing cited papers, the Decision/Order on this Motion is as follows:

The Plaintiff brings this case to recover damages for alleged age discrimination. He now moves for a protective order to two items in the defense discovery demand (1) item 12, seeking authorizations for the Plaintiff's employment records going back ten years and (2) item 15, seeking all documents regarding the Plaintiff's efforts to seek new employment.

At this juncture, the motion is granted, without prejudice, as to item 12, the Plaintiff's employment history. Presumably, the Plaintiff submitted a resume at the time he was hired, and nothing in the opposing papers suggests any misrepresentation on the Plaintiff's application. Upon such a showing, the Defendants may apply for an order directing the response sought. As to item 15, the motion is denied. The Plaintiff has a responsibility to mitigate his damages. This constitutes the decision and order of the court.

Dated: September 13, 2016

  
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GEOFFREY D. WRIGHT  
AJEC