

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

Andrews v. Sazerac Company, Inc.

Andrews · No. 1:23-cv-01060 · Decided December 2, 2025

SUMMARY

This document is a December 1, 2025 letter from plaintiff’s counsel in Andrews v. Sazerac Company, Inc., requesting leave to file a motion in limine to exclude evidentiary materials submitted with Sazerac’s motion for summary judgment. The letter challenges several declarations and exhibits based on untimely disclosure, inadequate expert disclosure, reliability, and failure to produce discovery. On December 2, 2025, Judge Arun Subramanian granted leave to file the exclusion motion without expressing an opinion on its merits and directed the Clerk to terminate ECF No. 123.

CASE DETAILS

COURT	United States District Court for the Southern District of New York
WRITING FOR THE COURT	Arun Subramanian
DECIDED	December 2, 2025
DOCKET	1:23-cv-01060
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought leave to file a motion in limine to exclude declarations and exhibits submitted by Defendant in support of its pending motion for summary judgment. The court granted leave to file the motion but expressly reserved judgment on whether the evidence would ultimately be excluded.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- discovery dispute
- motion in limine
- summary judgment
- expert testimony
- daubert standard

PRACTICE AREAS

- Civil procedure
- Evidence
- Commercial litigation
- Class actions

QUESTIONS PRESENTED

1. Whether Plaintiff should be permitted to file a motion in limine seeking exclusion of evidentiary material submitted in support of Defendant's motion for summary judgment.

KEY QUOTATIONS

“For avoidance of doubt, the Court expresses no opinion yet on whether the material is to be excluded, and will rule on the motion in due course.” (Order at 3)

FACTUAL BACKGROUND

Sazerac submitted several witness declarations and accompanying exhibits in support of its pending motion for summary judgment. Plaintiff contended that some witnesses were disclosed shortly before the close of fact discovery, that two outside experts were not timely disclosed or adequately supported under the Federal Rules, and that additional exhibits and a witness had not been disclosed in discovery. Plaintiff asserted that the late and incomplete disclosures prejudiced the plaintiff and the certified class of Southern Comforter Malt purchasers by preventing meaningful discovery and depositions.

PROCEDURAL HISTORY

The case was pending before the Southern District of New York on Defendant's motion for summary judgment. Plaintiff raised a discovery dispute concerning declarations and exhibits submitted with that motion and requested a conference and leave to move in limine. The court granted permission to file the exclusion motion and directed the Clerk to terminate the related motion at ECF No. 123.

DISPOSITION

other

CASES CITED

- Freeman v. Giuliani, 2025 WL 81370, at *8 (S.D.N.Y. Jan. 13, 2025)
- Pal v. N.Y.U., 2008 WL 2627614, at *5 (S.D.N.Y. June 30, 2008)
- Patterson v. Balsamico, 440 F.3d 104, 117 (2d Cir. 2006)
- Softel Inc. v. Dragon Medical & Scientific Communications Inc., 118 F.3d 955, 961 (2d Cir. 1997)
- Lidle v. Cirrus Design Corp., No. 08-cv-1253, 2009 WL 4907201, at *7 (S.D.N.Y. Dec. 16, 2009)
- Canales v. United States, No. 19-cv-834, 2021 WL 1588809, at *5 (E.D.N.Y. Apr. 22, 2021)

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