

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
NEW YORK

Denise Guerrero v. Albany Med Health System

No. 1:24-CV-1344 (N.D.N.Y. Apr. 27, 2026) · No. 1:24-CV-1344 (MAD/DJS) · Decided April 27, 2026

SUMMARY

The United States District Court for the Northern District of New York denied pro se Plaintiff Denise Guerrero’s motion to compel discovery in her remaining ADA retaliation claim against Albany Med Health System. The court found that most challenged discovery requests concerned dismissed claims, declined to order production of documents that Defendant represented did not exist, and directed Defendant to provide information about its search for documents responsive to one request. The court also extended the discovery deadline to October 30, 2026, and the dispositive-motion deadline to December 30, 2026.

CASE DETAILS

COURT	United States District Court for the Northern District of New York
WRITING FOR THE COURT	Daniel J. Stewart, United States Magistrate Judge
JURISDICTION	United States District Court for the Northern District of New York
DECIDED	April 27, 2026
DOCKET	1:24-CV-1344 (MAD/DJS)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to compel discovery concerning four discovery demands in her employment-discrimination action. After a discovery hearing, the court denied the motion, directed the defendant to provide additional information about its search for documents responsive to one request, and extended the discovery and dispositive-motion deadlines.
STANDARD OF REVIEW	Discovery relevance and sufficiency of responses under Federal Rules of Civil Procedure 26 and 37; the court also evaluated whether the defendant had shown that responsive documents did not exist or that further searches were unwarranted.
PRECEDENTIAL VALUE	unpublished and nonprecedential
PARTIES	Denise Guerrero v. Albany Med Health System

TOPICS

discovery dispute

civil procedure

ada / disability

disability discrimination

retaliation

PRACTICE AREAS

civil procedure

employment law

disability discrimination

ada / disability

retaliation

QUESTIONS PRESENTED

1. Whether Plaintiff was entitled to compel responses to interrogatory and document requests seeking comparator information, complaints about a former supervisor, and ADA training materials when those requests related primarily to claims previously dismissed from the action.
2. Whether Defendant should be ordered to produce additional documents concerning the handling of Plaintiff's accommodation request when Defendant represented that it had searched for and produced responsive documents.
3. Whether Defendant should provide further information about the custodians and locations searched for documents responsive to Request for Production No. 3.
4. Whether the discovery and dispositive-motion deadlines should be extended.

HOLDINGS

1. Discovery seeking comparator information, complaints concerning Warner, and ADA training materials was not relevant to the surviving ADA retaliation claim based on Plaintiff's request for an accommodation because it related, if at all, to claims that had already been dismissed.
2. The court would not order Defendant to produce documents that do not exist absent evidence that Defendant was withholding relevant documents in its possession.
3. Although the motion to compel was denied, Defendant was directed to provide Plaintiff with further information concerning the steps taken to search for documents responsive to Request for Production No. 3, including the custodians and locations searched.
4. The parties remain obligated under Federal Rule of Civil Procedure 26(e)(1)(A) to supplement their productions if responsive documents are later located.

KEY QUOTATIONS

"Instead, these demands seek the production of information that would only be relevant, if at all, to Plaintiff's prior claims for failure to accommodate and for retaliation based on the human resources complaint that Plaintiff made against Warner, both of which the District Court "already dismissed as a matter of law." (at 3)

"The Court will not order "a party to produce that which does not exist," particularly where, as here, Plaintiff has not provided any "evidence of [D]efendant withholding . . . relevant documents it possesses" in response to Request for Production No. 3." (at 4)

“The Court also reminds the parties of their continuing obligation, pursuant to Federal Rule of Civil Procedure 26(e)(1)(A), to supplement their productions should responsive documents be located at a later time.” (at 4)

FACTUAL BACKGROUND

Plaintiff, a former employee of Defendant, asserts that Defendant retaliated against her for requesting a disability accommodation. She sought comparator information, documents concerning the handling of her accommodation request, complaints about a former supervisor, and ADA training materials. Defendant produced its accommodation-request policy and represented that it had conducted additional searches for responsive documents, but Plaintiff argued that its responses were inconsistent and incomplete.

PROCEDURAL HISTORY

Plaintiff commenced the action on November 5, 2024, alleging, among other claims, violations of the Americans with Disabilities Act. She filed an amended complaint and a second amended complaint with leave of court. The district court dismissed all claims except an ADA retaliation claim based on Plaintiff's request for an accommodation, and later denied leave to file a third amended complaint. Plaintiff then sought discovery regarding comparators, her accommodation request, complaints concerning a former supervisor, and ADA training materials.

DISPOSITION

other

CASES CITED

- Deng v. New York State Off. of Mental Health, 2015 WL 9450845, at *2 (S.D.N.Y. Dec. 23, 2015)
- Jackson v. Bank of Am., N.A., 2018 WL 3386336, at *3 (W.D.N.Y. July 12, 2018)
- OnActuate Consulting, Inc. v. Aeon Nexus Corp., 2023 WL 5097912, at *8 (N.D.N.Y. Aug. 9, 2023)
- Tromblee v. New York, 2022 WL 2818222, at *16 (N.D.N.Y. July 19, 2022)
- Robert F. Kennedy Hum. Rts. v. U.S. Immigr. & Customs Enf't, 2023 WL 3075955, at *2 (W.D.N.Y. Apr. 25, 2023)

OPINION

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK DENISE GUERRERO, Plaintiff, 1:24-CV-1344 V. (MAD/DJS) “[ALBANY MED HEALTH SYSTEM, Defendant. APPEARANCES: OF COUNSEL: DENISE GUERRERO Plaintiff, Pro Se East Nassau, NY 12062 BOND, SCHOENECK & KING, PLLC ROBERT F. MANFREDO, ESQ. Attorneys for Defendant NATALIE C. VOGEL, ESQ. 22 Corporate Woods Blvd., Suite 501 Albany, NY 12211 DANIEL J. STEWART United States Magistrate Judge MEMORANDUM-DECISION and ORDER Presently before the Court is a Motion to Compel Discovery (the “Motion”) made by pro se Plaintiff Denise Guerrero (“Plaintiff”).

Dkt. Nos. 61 & 68. Defendant Albany Med Health System (“Defendant”) opposes the Motion. Dkt. No. 66. On April 22, 2026, the Court held a discovery hearing with the parties to discuss the issues raised in the Motion. Dkt. No. 64.

For the reasons set forth during the hearing, Plaintiff's Motion is DENIED. A summary of the holdings made by the Court is as follows. -1- On November 5, 2024, Plaintiff commenced this action against her former employer alleging, among other things, violations of the Americans with Disabilities Act of 1990 (the “ADA”). Dkt. No. 1. At Plaintiff's request and with the District Court's permission, Dkt.

Nos. 16-17 & 20-21, Plaintiff filed an Amended Complaint on February 10, 2025, Dkt. No. 19, and a Second Amended Complaint on February 25, 2025. Dkt. No. 25. Pursuant to the District Court's decision on Defendant's Motion to Dismiss the Second Amended Complaint, the only remaining claim is Plaintiff's ADA retaliation claim relating to Plaintiff's request for an accommodation.

Dkt. No. 37. The District Court expressly dismissed, among other causes of action, Plaintiff's ADA claim for failure to accommodate, *id.* at pp. 13-16, as well as her ADA retaliation claim relating to Plaintiff's complaint that Margaret Warner (“Warner”) yelled at Plaintiff and behaved aggressively on multiple occasions. *Id.* at pp. 23-24. This Court later denied Plaintiff's Motion for Leave to Amend the Second Amended Complaint and to File a Third Amended Complaint and, in doing so, explained that it would be futile to allow Plaintiff to revive claims dismissed by the District Court relating to conduct by Warner and to add Warner as a Defendant to this action.

Dkt. No. 65 at pp. 5-8. At issue here are Defendant's responses to four discovery demands made by Plaintiff—namely, Interrogatory No. 5 and Requests for Production Nos. 3, 5, and 9. See generally Dkt. Nos. 61, 66, & 68. Interrogatory No. 5 seeks comparator information | Plaintiff refers to her supervisor as “Margaret Warner.” See, e.g., Dkt. No. 25 at p. 2; Dkt.

No. 61 at p. 3. In Defendant's opposition papers, Defendant states that Margaret's last name has now changed from “Warner” to “Millington.” See Dkt. No. 66 at pp. 5-6. For purposes of this Motion, and consistent with its past decisions, the Court will refer to said individual as “Warner” herein. _2- regarding the manner in which Defendant addressed other employees' accommodation requests.

Dkt. No. 66-2 at p. 2. Request for Production No. 3 seeks documentation regarding the manner in which Defendant handled and processed Plaintiff's accommodation request. *Id.* at p. 4. Request for Production No. 5 seeks complaints filed related to Warner. *Id.*

Finally, Request for Production No. 9 seeks Defendant's training materials regarding ADA compliance. *Id.* at p. 5. Interrogatory No. 5 and Requests for Production Nos. 5 and 9 seek information that has no bearing on and is “not relevant to the surviving claim” in this case, *Deng v.*

New York State Off. of Mental Health, 2015 WL 9450845, at *2 (S.D.N.Y. Dec. 23, 2015), which is for retaliation based on Plaintiff's request for an accommodation.

See *supra* at ¶ 2. Instead, these demands seek the production of information that would only be relevant, if at all, to Plaintiff's prior claims for failure to accommodate and for retaliation based on the human resources complaint that Plaintiff made against Warner, both of which the District Court "already dismissed as a matter of law." *Deng v. New York State Off. of Mental Health*, 2015 WL 9450845, at *2; see *supra* at p. 2.

Consequently, they are not the proper subject for discovery in this case. *Jackson v. Bank of Am., N.A.*, 2018 WL 3386336, at *3 (W.D.N.Y. July 12, 2018) (finding "improper" plaintiff's "motion to compel discovery relevant only to claims which are not before the [c]ourt... because they were already dismissed"). Insofar as Plaintiff argues that any of these demands were made to determine what process Defendant has for handling accommodation requests, Defendant provided -3- Plaintiff with a copy of Defendant's policy for handling accommodation requests, Dkt.

No. 66 at p. 10 (citing Dkt. No. 66-9), and the Court finds that to be sufficient at this time. As for Request for Production No. 3, Plaintiff asserts that an "inconsistency" exists because "Defendant initially represented that no additional responsive documents exist," but "within the same correspondence... indicated [Defendant] would conduct an additional search for responsive materials." Dkt.

No. 61 at p. 2. Defendant responds that "Defendant produced documents it located that were responsive to this demand," repeatedly conducted additional searches in response to Plaintiff's renewed requests and advised Plaintiff that "[n]o further responsive documents were identified," and "provided Plaintiff with all requested information" when "Plaintiff... sought further clarification ¶ on several items." Dkt.

No. 66 at pp. 5-6. The Court will not order "a party to produce that which does not exist," particularly where, as here, Plaintiff has not provided any "evidence of [D]efendant withholding... relevant documents it possesses" in response to Request for Production No. 3. *OnActuate Consulting, Inc. v. Aeon Nexus Corp.*, 2023 WL 5097912, at *8 (N.D.N.Y. Aug. 9, 2023) (quotation, internal quotation marks, and citations omitted). "Nonetheless, on or before May 6, 2026, Defendant is directed to provide further information to Plaintiff, by email or other written form, regarding the steps taken by Defendant to search for documents responsive to Request for Production No. 3, including the custodians and locations searched.

See, e.g., *Tromblee v. New York*, 2022 WL 2818222, at *16 (N.D.N.Y. July 19, 2022); *Robert F. Kennedy Hum. Rts. v. U.S. Immigr. & Customs Enf't*, 2023 WL 3075955, at *2 (W.D.N.Y. Apr. 25, 2023). The Court also ¶4- reminds the parties of their continuing obligation, pursuant to

Federal Rule of Civil Procedure 26(e)(1)(A), to supplement their productions should responsive documents be located at a later time.

As a final matter, the Court grants the parties' request to extend the discovery deadline from June 15, 2026, to October 30, 2026 and the dispositive motion deadline is extended to December 30, 2026. ACCORDINGLY, for the reasons stated herein, it is hereby ORDERED, that Plaintiffs Motion to Compel Discovery (Dkt. No. 61) is DENIED as set forth above; and it is further ORDERED, that the parties' request to extend the discovery deadline is GRANTED, and that deadline is now set for October 30, 2026; and it is further ORDERED, that Plaintiff's letter request (Dkt.

No 62) is DENIED as moot; and it is further ORDERED, that the Clerk of the Court serve a copy of this Memorandum- Decision and Order upon the parties to this action. Dated: April 27, 2026
Albany, New York eigd ez US-Magistrate Judge -5-