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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: CIVIL TERM: PART - 61

-----X
MILO YIANNOPOULOS,

Plaintiff

INDEX NUMBER:
654668/2017

-against-

SIMON & SCHUSTER, INC.,

Defendant

-----X
60 Centre Street
New York, New York 10007
January 18, 2018

BEFORE:

HONORABLE: Barry R. Ostrager, JSC

APPEARANCES:

Meister Seelig & Fein, LLP
Attorneys for Plaintiff
125 Park Avenue, 7th Floor
New York, New York 10017
By: Stephen Meister, Esq.
Jeffrey P. Weingart, Esq.

Davis Wright Tremaine, LLP
Attorneys for Defendant
1251 Avenue of the Americas, 21st Floor
New York, New York 10020
By: Elizabeth A. McNamara, Esq.

Delores Hilliard
Official Court Reporter

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Proceedings

COURT CLERK: Index Number 654668/2017.

In the matter of M I L O Y I A N N O P O U L O S
versus S I M O N & S C H U S T E R, I N C.

THE COURT: All right. This is an application by
plaintiff law firm, Meister Seelig & Fein to withdraw as
counsel for the plaintiff. And it's my understanding that
the defendant has not opposed the application. The
plaintiff has not opposed the application.

The only issue that needs to be discussed this
afternoon is what happens with respect to documents that
were marked attorneys eyes only once plaintiff's counsel
withdraws.

And the short answer to that issue is that anything
that has been designated attorneys eyes only is absolutely,
positively, definitely not to be shared with anybody other
than successor counsel.

Anything else that needs to be decided before I
grant the motion to relieve counsel?

MR. MEISTER: Stephen Meister for outgoing counsel
for the plaintiff.

I think we had also requested a stay of, a 30 day
stay associated with the requested order. I don't think
that was opposed. I could be wrong.

MS. McNAMARA: Your Honor, we don't oppose a 30 day
stay regarding any obligations by the plaintiff under the

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1 Proceedings

2 current schedule.

3 There is an outstanding subpoena to the plaintiff's
4 agent Mr. Flannery which the documents are already over due
5 to be produced.

6 They are not represented by this firm. And so, we
7 would ask that they be, they should turn over those
8 documents and that not be stayed. It doesn't involve the
9 plaintiff's firm.

10 We have agreed with Mr. Flannery's counsel that we
11 would hold in abeyance any deposition of the witness until
12 he has substitute counsel named.

13 THE COURT: I think it is reasonable for the
14 plaintiff to have time to secure replacement counsel if he
15 so chooses.

16 MS. McNAMARA: Sure.

17 THE COURT: And I don't see any exigent
18 circumstances which would require anything to happen for 30
19 days.

20 MS. McNAMARA: Okay. Thank you, your Honor.

21 THE COURT: Now, is it contemplated that Mr.
22 Yiannopoulos is going to secure successor counsel?

23 MR. MEISTER: May Mr. Yiannopoulos address the
24 Court on that question? May Mr. Yiannopoulos?

25 THE COURT: Yes.

26 MR. YIANNOPOULOS: Thank you, your Honor.

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1 Proceedings

2 I understand why I'm here and I would like to
3 proceed with this. It's my intention in going forward to
4 represent myself pro se.

5 Part of the reason for that is there has been a
6 break-down between me and my representatives.

7 Partly, also, we are in situations where Simon &
8 Schuster has grossly over designated documents in a variety
9 of different ways. And I do not believe I want to spend
10 half a million dollars grinding through that process with
11 counsel. I would much rather do it myself.

12 It seems to me I'm going to represent myself.
13 There is no reason why I should not be given access to
14 documents that are absolutely essential in order for me to
15 properly assess my own case.

16 THE COURT: That's not going to happen.

17 MR. YIANNOPOULOS: Okay.

18 THE COURT: That's not going to happen.

19 You're entitled to represent yourself. The
20 documents that were given to your counsel for attorneys eyes
21 only were given to your counsel for attorneys eyes only on
22 the basis of a good faith representation that those
23 documents would not be shared with you and would only be
24 used by counsel.

25 MR. YIANNOPOULOS: Effectively, your Honor,
26 engaging in gamesmanship with these designations.

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Proceedings

THE COURT: Those are documents that have information about proprietary financial information relating to Simon & Schuster. And those documents, frankly, have nothing whatsoever to do with the substantive merits of your case.

MR. YIANNOPOULOS: Well, your Honor, that's what they claim, but I disagree. I think they actually do contain information very pertinent.

THE COURT: Again, you're entitled to proceed pro se. You are not entitled to secured documents that were explicitly provided with the understanding that they be for attorneys eyes only.

MR. YIANNOPOULOS: Would the Court be willing to offer me some assistance in renegotiating?

THE COURT: I'm sorry?

MR. YIANNOPOULOS: Would the Court be willing to offer me some assistance in renegotiating their position if there are documents that are clearly critical to my case?

What has been happening in the case so far is some issues have been entered, public record documents that are very embarrassing to me and leaking those to journalist. And at the same time marked documents for attorneys eyes only.

THE COURT: Your claim is that Simon & Schuster declined to publish your book for political reasons. And

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1 Proceedings

2 that Simon & Schuster's parent company was involved in that
3 political decision.

4 The financial records of Simon & Schuster have
5 nothing whatsoever to do with that claim.

6 MR. YIANNOPOULOS: Well, sir, I don't think it was
7 just a financial political decision. I think there was a
8 financial potential to it. Certainly, my name coming up in
9 the negotiations would be pertinent to those kinds of
10 arguments.

11 Since we have a summary judgment motion pending,
12 which is that they did not give me various things that I was
13 allowed in the contract 45 days to review the manuscript
14 that they decided it was --

15 Whatever. You know, we have that summary judgment
16 motion pending. I understand.

17 But, moving beyond that if I'm to argue on the
18 merits of the trial I cannot properly assess my own case if
19 I'm not given full access to those documents.

20 Because, it isn't simply the case that they did so
21 for political reasons. I believe it is also the case that
22 they did so to save revenue lines elsewhere in the business.
23 And they are not entitled to do that according to the
24 contract I signed with them.

25 So, any negotiations that might, for instance, show
26 them representing and intentionally cancelling my book no

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2 matter what, or shows them saying to other offices don't
3 worry, he is going to be gone and you don't have to worry
4 about signing with us, those kinds of documents are
5 extremely pertinent to some of the lines of arguments I'm
6 allowed to make.

7 THE COURT: Look, you've made the decision to
8 proceed pro se.

9 The practice in this court is that if you have
10 discovery disputes you write a letter to the Court
11 identifying the concerns that you have about the state of
12 discovery. Opposing counsel responds to that letter. And
13 then we have a conference at which we discuss the merits of
14 dispute relating to discovery.

15 Insofar as today's proceedings the only thing that
16 is before me is your counsel's request to withdraw, which
17 you don't oppose and the defendants don't oppose.

18 So, it is granted on consent.

19 And the only other thing that is before me is a
20 request for a 30 day stay of the proceedings, which opposing
21 counsel does not oppose.

22 So, that is also granted on consent.

23 And that is all that is before me today.

24 MR. YIANNOPOULOS: Thank you, your Honor.

25 THE COURT: All right. That is the order of the
26 Court.

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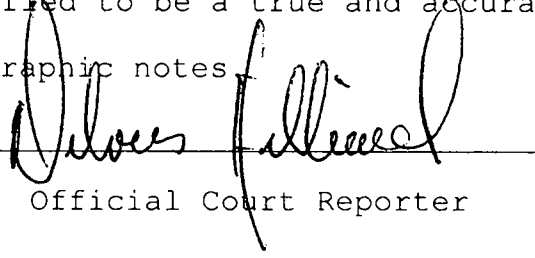
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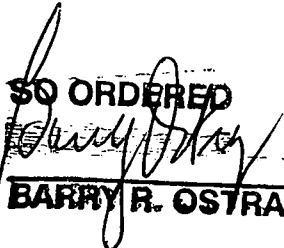
Please, order a copy of the transcript.

MS. McNAMARA: Thank you, your Honor.

Certified to be a true and accurate transcription
of said stenographic notes



Official Court Reporter

SO ORDERED

BARRY R. OSTRAGER, J.S.C.

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