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September 30, 2020

RE: *Sundeep Singh Suchdev et. al. v. Judith
Grunbaum et. al.*

Index Number: 518435/2020

To Whom it may Concern:

The undersigned represents the Defendants in this action.

On September 30, 2020 at 12:25 A.M. I received an email titled “Notice of Temporary Restraining Order to be filed September 30, 2020” from Stephanie Rudolph. A copy of that email is uploaded to NYSCEF as NYSCEF Doc. 23.

The purported notice provides that “we plan to file the Summons, Complaint and OSC in the morning, and seek the TRO at 3:00p.m. in the afternoon of September 30, 2020.”

NYCRR §202.7(f) requires that any application for a TRO shall:

“demonstrate that a good faith effort has been made to notify the party against whom the temporary restraining order is sought of the time, date and place that the application will be made in a manner sufficient to permit the party an opportunity to appear in response to the application.”

For all intents and purposes, an email sent at 12:25 A.M. not likely to be read for at least eight (8) hours. In actuality, I only saw the email at 9:20 A.M., and due to several virtual court appearances I had this morning, which were scheduled weeks ago, I could not even perform a cursory review of the documents until after 11:00 A.M.

Moreover, the OSC emailed to me this morning, and electronically filed was returnable at 9:30 A.M. today.

This is by no means reasonable notice. The affidavits being offered in support of the OSC are all dated more than ten (10) days ago. Clearly, Plaintiffs have been intending to seek this relief for nearly two (2) weeks, and providing what amounts to seven (7) hours’ notice is woefully insufficient.



The fact of the matter is that virtually all the conduct alleged by Plaintiffs as requiring injunctive relief has been allegedly ongoing for months, which requires further clarification as to why there was such a lack of notice given.

Curiously, Ms. Rudolph has submitted an affirmation dated **September 29, 2020** stating that I was provided advance notice of Plaintiff's intent to seek a TRO on September 30, 2020, but the purported proof of that offer is the email dated **September 30, 2020**.

I called the Kings County *ex-parte* clerk and was informed that there are currently no in person appearances, and therefore I should not appear in Court this afternoon, but I should electronically file a letter advising the court of my representation and setting forth any additional facts/arguments I would like to bring to the Court's attention.

If the Court will entertain the application notwithstanding the aforementioned defects, I would request the opportunity to oppose the application on the lack of merits.

Very truly yours,

Jonathan B. Schreier

Jonathan B. Schreier, Esq.