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January 14, 2019

VIA ELECTRONIC FILING AND BY HAND

The Honorable David B. Cohen
Part 58, IAS General Assignment Part
111 Centre Street, Room 574
New York, NY 10013

Re: Boyce v. Bruce Weber et al. / Index No. 160630/2017

Dear Justice Cohen:

This letter is respectfully submitted on behalf of Defendants Bruce Weber and Little Bear, Inc. (“Weber Defendants”) in connection with the Preliminary Conference scheduled for January 30, 2019.

This letters follows our January 11, 2019 letter to the Court to confirm that the January 30 Pretrial Conference will include a discovery dispute conference.

The Weber Defendants’ January 11, 2019 letter to the Court attached the Weber Defendants’ two December 3, 2018 meet and confer letters (one regarding document requests and one regarding interrogatories) raising numerous, significant deficiencies in the discovery provided by Plaintiff. The deficiencies raised in the December 3, 2018 meet and confer letters remain outstanding.

We filed our January 11, 2019 letter to the Court at the close of business. That evening, Plaintiff submitted a belated response letter (“Plaintiff’s Response Letter”).¹ However, Plaintiff’s Response Letter did not remedy the numerous, significant deficiencies raised in our December 3, 2018 meet and confer letters, and is, for all practical purpose, a non-response. For example, Plaintiff *still* refuses to provide routinely discoverable information or documents about witnesses with knowledge of the allegations. Plaintiff also *still* refuses to address his failure to live up to his June 1, 2018 promise to provide documents responsive to 20 of Weber Defendants’

¹ A copy of Plaintiff’s Response Letter, without attachments, is attached as Exhibit A.

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documents requests. Plaintiff *still* interposes inappropriate boilerplate objections to relevant discovery requests.

Indeed, while Plaintiff's counsel attaches approximately 1,800 pages of documents to the January 11, 2019 Response Letter, they admit that all but approximately 25 pages are nothing more than a re-production of previously-produced documents (identified by bates numbers 521-2375). And, Plaintiff so heavily redacted the 25 new pages of documents to prevent or heavily restrict their usefulness.

Plaintiff's Response Letter confirms the urgent need for the January 30, 2018 discovery conference on Weber Defendant's December 3 meet and confer letters.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Brown', with a long horizontal flourish extending to the right.

Daniel L. Brown

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

cc: All Counsel of Record