

KASOWITZ BENSON TORRES LLP

1633 BROADWAY
NEW YORK, NEW YORK 10019
(212) 506-1700
FAX: (212) 506-1800

MICHAEL J. BOWE
DIRECT DIAL: (212) 506-1777
DIRECT FAX: (212) 835-5077
MBOWE@KASOWITZ.COM

ATLANTA
HOUSTON
LOS ANGELES
MIAMI
NEWARK
SAN FRANCISCO
SILICON VALLEY
WASHINGTON DC

February 16, 2018

Via ECF & Hand Delivery

The Honorable Eileen Bransten
Supreme Court, New York County
60 Centre Street, Room 521
New York, NY 10007

Re: *Eros International Plc v. Mangrove Partners, et al.* (Index No. 653096/2017)

Dear Justice Bransten:

I am counsel to Eros International Plc (“Eros”) in the above-referenced matter and write to object to the letter submitted to the Court by Defendants Mangrove Partners and Nathaniel H. August (together, “Mangrove”) on February 15, 2018 (the “February 15 Letter”).

In a clear attempt to bolster their deficient argument and motion papers, Mangrove submitted the February 15 Letter one day after the Court heard oral argument in support of Mangrove’s motion to dismiss. This submission is plainly improper under the Commercial Division’s Rules, which explicitly prohibit such filings “[a]bsent express permission.” 22 NYCRR § 202.70, Rule 18 (“Absent express permission in advance, sur-reply papers, including correspondence . . . are not permitted . . .”). Here, at no point during the parties’ February 14, 2018 hearing, or any time thereafter, did the Court grant Mangrove permission to file the February 15 Letter. Thus, Eros respectfully requests that the Court disregard this improper submission. *See id.* (“Materials submitted in violation hereof will not be read or considered.”).

If the Court wishes to consider Mangrove’s February 15 Letter, Eros respectfully requests permission to submit a substantive response.

Respectfully,

/s/ Michael J. Bowe

Michael J. Bowe

cc: All Counsel of Record (by ECF)