

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND
HON. PAUL I. MARX, J.S.C.

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EMMIS RADIO, LLC D/B/A HOT97,

Plaintiff,

**PRELIMINARY CONFERENCE
ORDER**

-against-

Index # 034577/2020

WILLIAM BENSON GROUP, LLC
D/B/A BILLIONAIRES ROW D/B/A
BILLIONAIRES ROW CHAMPAGNE
D/B/A BILLIONAIRES ROW LLC,

Defendants.

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NOTICE TO ATTORNEYS AND SELF-REPRESENTED LITIGANTS:

The parties and/or counsel acknowledge that they have read and are fully familiar with Justice Paul I. Marx’s Individual Part Rules, which are available on the court website.

In particular, the parties acknowledge that pursuant to the Individual Part Rules “[p]arties who have a discovery dispute are NOT to wait until the Compliance Conference to bring such dispute or complaint about non-disclosure to the Court’s attention. . . . Counsel (or self-represented litigant) who believes that discovery is not being conducted in accordance with the Preliminary Conference (or other Court) Order is to discuss, in good faith, as required by Court Rule § 202.7, the claimed noncompliance with the counsel or self-represented litigant who is claimed not to be complying with the Court Order. A pro forma letter does not constitute a good faith effort. There must be actual **substantive** communication between counsel, either telephonically or in writing, regarding the claimed failure to engage in discovery and the claimed compliance or reason for noncompliance.”

Motions concerning discovery are NOT allowed without prior Court approval and compliance with the above procedures. Please adhere to Part Rules concerning discovery disputes.

FAILURE TO COMPLY WITH ANY OF THE DIRECTIVES SET FORTH HEREIN MAY RESULT IN THE IMPOSITION OF COSTS, SANCTIONS, WAIVER OF THE RIGHT TO MOVE FOR AN ORDER COMPELLING COMPLIANCE, WAIVER OF DISCOVERY OR OTHER ACTION AUTHORIZED BY LAW.

It is hereby ORDERED that disclosure shall proceed as follows:

1. Paper Discovery:

Plaintiff will serve Demands NLT **7/16/2021**

Defendant will serve Demands **7/16/2021**

Parties will serve responses to the other's Demands **8/16/2021**

2. Depositions:

All depositions shall be completed NLT **10/15/2021**

3. Compliance Conference:

11/17/2021

4. Settlement:

If the case settles before the next Court appearance, the parties shall insure that a stipulation of discontinuance is promptly filed.

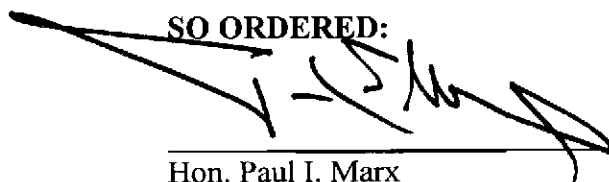
**Joseph I. Terkell
The Terkell Law Firm, P.C.
(845) 517-0670**

**David C. Van Leeuwen
Peyrot & Associates, PC
(646) 640-2785**

Attorney for Plaintiff

Attorney for Defendant

Dated: June **17**, 2021
New City, New York

SO ORDERED:


Hon. Paul I. Marx
Justice of the Supreme Court