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JOSEPH I. TERKELL

September 24, 2021

Via e-filing (NYSCEF)

Chambers Of Hon. Paul I. Marx, J.S.C.

Rockland Supreme Court

One South Main Street

New City, NY 10956

RE: EMMIS RADIO, LLC D/B/A HOT97
VS. WILLIAM BENSON GROUP, LLC et al.
INDEX NO. 034577/2020

Honorable Sir:

As you know, this matter was heard earlier this week for a compliance conference. At that time, defense counsel indicated that his office had responded to Plaintiff's Notice For Discovery and Inspection 'sometime last week'.

This firm finally did receive the Defendant's response yesterday in an unpostmarked envelope (again). Said response was unsigned, unverified, unresponsive, and comprised almost entirely of the exact same documents which Plaintiff previously provided to them.

The Plaintiff is unable to proceed with depositions until such time as the Defendant provides meaningful and adequate documentary discovery responses.

I am well aware that the Court is loathe to become involved in these day-to-day discovery matters, but it appears that the Defendant is being deliberately unresponsive, and is not taking the orders of this Court seriously.

It is for these reasons that the Plaintiff hereby requests leave to bring on a formal application to preclude the Defendant from presenting evidence at trial, or, alternatively calling for an order striking their belated answer.

Your guidance would be greatly appreciated.

Respectfully yours,

Joseph I. Terkell

A handwritten signature in black ink, appearing to read 'Joseph I. Terkell', written over a printed name and initials.

JOSEPH I. TERKELL
JIT/rw

CC: David C. Van Leeuwen, Esq.
Peyrot & Associates, PC – via e-filing (NYSCEF)