

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

CONGREGATION HAKSHIVAH, d/b/a/
GEMACH L'SIMCHOS

Plaintiffs,

- against -

HERSH DEUTSCH and
DEUTSCHE VENTURE CAPITAL LLC,

Defendants.

Index No.

Motion Sequence 001

**PLAINTIFF'S FIRST SET OF REQUESTS
FOR PRODUCTION OF DOCUMENTS TO DEFENDANT HERSH DEUTSCH**

PLEASE TAKE NOTICE that pursuant to CPLR § 3120 and this Court's Order to Show Cause, and the argument held before this Court on January 15, 2019, Plaintiff, by and through their undersigned counsel, hereby request that Defendant Hersh Deutsch produce for inspection and copying the documents and things in Defendant's possession, custody, or control described in the requests contained herein (the "Requests") at the offices of Newman & Greenberg LLP, 950 Third Avenue, 32nd Floor, New York, New York 10022, Attn: Steven Y. Yurowitz, Esq., on or before February [], 2018 at []:[] o'clock in the [forenoon/afternoon/evening] of that day. These Requests are made without prejudice to, or waiver of, any right to further discovery at a later date.

DEFINITIONS

1. “Defendant,” “You” and “Your” means and refers to Hersh Deutsch, including without limitation any employees, agents, affiliates, subordinates, representatives, consultants, attorneys, and/or any person or entity that acts on one or more of their behalfs or in one or more of their names. “Defendant,” “You” and “Your” shall also include Deutsch Venture Capital LLC.

2. “Document” and “Documents” shall be interpreted in the broadest sense, and includes written, printed, photocopied, computer generated, or electronically transmitted or stored information and materials (“ESI”), including e-mails, voice mails, writings, publications, messages, communications, facsimiles, computer tapes, microfilm or microfiche, drawings, graphs, charts, photographs, and other data compilations from which information can be obtained, and translated if necessary, by You into reasonably useable and searchable form, including information in native format. A draft or non-identical copy is considered a separate document. The term “document” includes generally any kind of documents that are now, or formerly were, in Your possession, custody, or control, or that were known to You to exist, or that You can locate or discover by reasonably diligent efforts.

2. The term “communication” shall include any transfer of information of any type, written, oral, electronic or otherwise.

3. “Plaintiff” means and refers to Congregation Hakshivah and Gemach L’Simchos, including without limitation any employees, agents, affiliates, subordinates, representatives, consultants, attorneys, and/or any person or entity that acts on one or more of their behalfs or in one or more of their names.

4. The use of a verb in any tense shall be construed as the use of the verb in all other tenses as necessary to bring within the scope of the Requests all responses that might otherwise be construed to be outside of its scope.

5. “Including” shall be construed to mean “including without limitation.”

6. “Relating to” shall be construed in their broadest sense, and include concerning, regarding, referring to, reflecting, mentioning, evidencing, constituting, pertaining to, involving, supporting, summarizing, commenting upon, interpreting, recording, analyzing or otherwise logically or factually connected in any way with the subject.

7. As used herein, “and” and “or” shall be construed both disjunctively and conjunctively in order to bring within the scope of these discovery requests all responses that might otherwise be construed to be outside their scope.

8. “Relevant Time Period” means August 1, 2017 through the present (the “Relevant Period”), unless otherwise stated.

INSTRUCTIONS

1. You shall produce every document generated during the Relevant Time Period, described in the specific requests set forth below, in Your respective possession, custody, control, regardless of whether the document is possessed physically by You or by any of Your agents, brokers, accountants, investigators, experts, representatives, advisors, financial advisors, consultants, investment bankers, employees, employers, attorneys, brokers, or other persons acting or purporting to act on Your behalf. This instruction includes the search of electronic mail directories, libraries, files, and other computer databases and requires You to prepare readable versions of responsive

documents found therein. If You cannot fully respond to any particular request after exercising due diligence to obtain all documents requested, so state, furnish the documents that are available, and indicate in writing Your inability to provide the rest of the documents that respond to the request, setting forth in full Your information, knowledge, or belief concerning the identity and content of the unavailable documents.

2. Documents shall be produced as they are kept in the usual course of business or organized and labeled to correspond to the categories in this request. All documents shall be produced in the file folder, envelope or other container in which the documents are kept or maintained by you. If, for any reason, the container cannot be produced, produce copies of all labels or other identifying marks.

3. With respect to ESI, including email:

- a. All e-mail and spreadsheets responsive to this request that are maintained in the usual course of business in electronic format shall be produced in their native format along with the software necessary to interpret such files if such software is not readily available.
- b. All other documents responsive to this request that are maintained in the usual course of business in electronic format shall be produced properly utilized, multi-page TIFF Group IV format complete with full text extracts.
- c. All documents responsive to this request shall be produced with the metadata normally contained within such documents, and the necessary Concordance or Introspect load files. If such metadata is

not available, each document shall be accompanied by a listing of all file properties relating to such document, including, but not limited to, all information relating to the date(s) the document was last accessed, created, modified or distributed, and the author(s) and recipient(s) of the document.

- d. Under no circumstances should ESI be converted from the form in which it is ordinarily maintained to a different form that makes it more difficult or burdensome to use. ESI should not be produced in a form that removes or degrades the ability to search the ESI by electronic means where the ESI is ordinarily maintained in a way that makes it searchable by electronic means.

4. Unless otherwise specified, this request calls for both the original of each document and all non-identical copies. An identical copy may be produced in lieu of the original, so long as it is legible and bound or stapled in the same manner as the original.

5. If any document responsive to the Requests was, but is no longer in your possession, custody, or control, state whether it (i) is missing or lost, (ii) has been destroyed, (iii) has been transferred, voluntarily or involuntarily, to another, or (iv) has been otherwise disposed of, and, in each instance, explain the circumstances surrounding such disposition thereof and state the date or approximate date of such disposition thereof.

6. Unless instructed otherwise, each Request shall be construed independently and not by reference to any other request for the purpose of limitation.

7. Your responses to the Requests should be as complete and as responsive as reasonably possible. If you object to a portion of any Request, you should indicate the part of the Request to which you object, explain why you are objecting to that portion of the Request, and provide documents responsive to the remaining portion of the Request. If there are no documents responsive to a particular category, you shall so state in writing.

8. If any requested document cannot be produced in full, produce the document to the extent possible, specifying each reason for your inability to produce the remainder of the document and stating whatever information, knowledge, or belief that you have concerning the substance of the portion that cannot be produced.

9. If any of the Requests set forth below call for information or the production of a document all or any portion of which you claim to be privileged or otherwise immune from discovery, and such information or document is withheld by you on that basis, You are to provide a written statement: (i) describing the nature of the document (e.g., letter, memorandum, minutes, telegram, notes, etc.); (ii) specifying the date on which the document was prepared; (iii) identifying the person(s) who prepared or authored the document; (iv) identifying the person(s) to whom the document was sent, copied, or shown; (v) setting forth the subject matter of the document; and (vi) stating the privilege or other doctrine pursuant to which the document is being withheld from production and setting forth in brief the basis for such claim of privilege or immunity from production.

10. These Requests are continuing in nature and require further and supplemental responses if, between the date hereof and the time of the hearing or trial,

any additional information responsive to these Requests comes into your possession, custody, or control, or that of your agents. The Definitions and Instructions set forth above are applicable to any such supplemental response.

REQUESTS

1. All documents relating to credit card transactions between You and Plaintiff during the Relevant Time Period.

2. All communications between You and Joel Klein during the Relevant Time Period relating to credit card transactions between You and Plaintiff, including but not limited to all documents, e-mails and text messages relating to those communications.

3. All communications between You and Plaintiff during the Relevant Time Period relating to credit card transactions between You and Plaintiff, including but not limited to all documents, e-mails and text messages relating to those communications.

4. All communications between You and Arya Gottesman during the Relevant Time Period relating to credit card transactions between You and Plaintiff, including but not limited to all documents, e-mails and text messages relating to those communications.

5. All documents relating to credit card transactions between You and J Klein during the Relevant Time Period.

6. All documents relating to credit card transactions between You and Joel Klein during the Relevant Time Period.

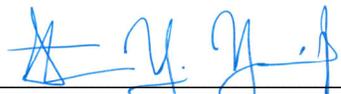
7. All documents relating to any checks, cash, cash equivalents or other things of value that were exchanged between You and Joel Klein, [Add in all names of Klein entities] during the Relevant Time Period.

8. All communications between You and any credit card company relating to credit card transactions between You and Plaintiff during the Relevant Time Period.

9. All documents relating to loans extended by You to Joel Klein or any entity in which Klein had an interest at any time for which there remains an outstanding balance, including but not limited to: 1) amounts loaned; 2) payments made; 3) interest charged; and 4) the outstanding balance.

Dated: New York, New York
January 15, 2019

NEWMAN & GREENBERG LLP

By: 
Steven Y. Yurowitz

950 Third Avenue, 32 Floor
New York, New York 10022

*Attorneys for Plaintiff
Congregation Hakshivah*

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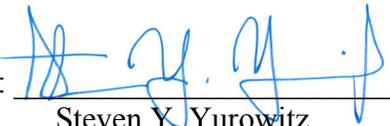
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Dated: New York, New York
January 15, 2019

NEWMAN & GREENBERG LLP

By: 
Steven Y. Yurowitz

950 Third Avenue, 32 Floor
New York, New York 10022

Attorneys for Plaintiff
Congregation Hakshivah