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JOSEPH I. TERKELL

August 23, 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:

I am writing to advise the Court once again on opposing counsel's continuing defalcation in this matter.

As you know, a default judgment was previously entered against this Defendant which was vacated after opposing counsel brought on an order to show cause for such relief.

This matter came on to be heard for a preliminary conference on June 16, 2021, which resulted in a scheduling order [NYSCEF document number 37].

That order called for the parties to propound documentary discovery requests no later than July 16, 2021.

Although Plaintiff timely propounded, opposing counsel did not.

Accordingly, the undersigned wrote to Chambers advising of this defalcation by way of letter [NYSCEF document number 44].

In response, we were advised by the principal law clerk that respective counsel had to attempt to resolve discovery issues by ourselves, and that my letter would not be presented to Your Honor.

I have attempted to contact Mr. Van Leeuwen by telephone on multiple occasions, however, he has not seen fit to return my calls.

The time within which the Defendant was to respond to Plaintiff's documentary demands ended on August 16, 2021, and to date, we have received no such responses.

For the foregoing reasons, it is respectfully requested that the compliance conference currently scheduled for November 17, 2021 be accelerated to the earliest date convenient to the Court.

Thank you for your consideration.

Very truly yours,

  
JOSEPH I. TERKELL

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