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JOSEPH I. TERKELL

July 28, 2021

Via e-filing (NYSCEF)

David C. Van Leeuwen, Esq.
Peyrot & Associates, PC
62 William Street, 8th Floor
New York, NY 10005

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

Dear Mr. Van Leeuwen:

We were dismayed to receive your purported discovery requests in our U.S. Postal Service depository yesterday, July 27, 2021, in an unmetered envelope bearing no cancellation marks from the USPS. These papers certainly could have, should have been e-filed on the NYSCEF system.

If you will recall, the Court required all discovery to be put out no later than July 16, 2021.

In view of the foregoing, we are constrained to reject the Defendant's discovery requests.

In addition, we note that none of the papers were signed by counsel, in direct contradiction to the court rules.

Finally, we would note that you made the depositions returnable at your office in lower, Manhattan, which is an improper location given the fact that none of the parties are located in New York County, and the action is pending in Rockland county.

I would point out that I did telephone you on two separate occasions after the court conference based upon your statement that you wished to explore a possible amicable resolution of this matter. Unfortunately, you did not have the courtesy to return my calls.

We would suggest that you seasonally petition the Court for leave to propound your tardy discovery requests.

Sincerely,

JOSEPH I. TERKELL

JIT/rw

CC: Chambers of Hon. Paul I. Marx
Attn: Bridget Gauntlett, Esq. (Via e-filing (NYSCEF))

THIS COMMUNICATION IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. THIS COMMUNICATION IS FROM A DEBT

