UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

SCOTT SIDELL, Plaintiff, v. STRUCTURED SETTLEMENT INVESTMENTS, LP, PLAINTIFF FUNDING HOLDING, INC. (D/B/A "LAWCASH"), DENNIS SHIELDS, HARVEY HIRSCHFELD, RICHARD PALMA, and SCOTT YUCHT, Defendants.	:	CIVIL ACTION NO. 3:08CV710 (VLB) JULY 30, 2008

MEMORANDUM IN OPPOSITION TO MOTION
FOR ADOPTION OF RULE 26(f) REPORT

Defendants respectfully submit this memorandum in opposition to Scott Sidell's motion for adoption of Rule 26(f) Report.

This Court should deny Sidell's motion and refuse to adopt the Rule 26(f) report for the reason that no Rule 26(f) meeting was ever held. Defendants attempted to hold the required meeting, but Sidell's counsel kept adjourning the meeting until the deadline had passed, and then, after Sidell's counsel finally agreed to a date and time to hold the meeting, when the appointed time arrived, defense counsel called Sidell's counsel to commence the meeting, only to be told that Sidell's counsel refused to participate.

For its excuse for not participating, Sidell's counsel identified that it had, days before, filed a motion to attempt to disqualify the Zukerman Gore & Brandeis firm ("ZGB"), which is counsel to the defendants in this case, as well as in a pending arbitration of the same issues, plus a separate action in which all parties to the arbitration

ORAL ARGUMENT REQUESTED

are seeking prejudgment attachments against their opponents in aid of that arbitration. Sidell's counsel said they would not participate in any meeting unless defendants' local counsel was also present on the phone.

In response to this excuse, counsel from ZGB pointed out that he is an admitted member of the bar of this court, in good standing, and that there is no legitimate basis to refuse to proceed. Notwithstanding this response, Sidell's counsel flatly refused to proceed, and the call ended with no meeting having occurred.

As a result of Sidell's counsel's intransigence, defendants have moved this Court for an order compelling Sidell's counsel to participate in a Rule 26(f) conference. That motion should be decided before this motion is considered. And, as indicated in the motion to compel Rule 26 conference, that motion itself should be considered only after resolution of defendants' pending motion to compel arbitration of the claims in this proceeding.

When this motion is considered (if it ever need be considered) the Court is advised that the certification contained on page 2 of Sidell's proposed report is a false certification. Contrary to what it says, because of Sidell's counsel's refusal to meet, we have ***not*** "discussed the nature and basis of the parties' claims and defenses and any possibilities for achieving a prompt settlement or other resolution of the case." (Proposed report at 2). Nor have we jointly prepared the report. Similarly, at page 4, counsel inaccurately certifies "that they made a good faith attempt to determine whether there are any material facts that are not in dispute." To the contrary, counsel refused to discuss it. Many of the allegedly undisputed facts are disputed in whole, in part, or they are materially incomplete so as to make them misleading and therefore disputed.

The balance of the report is incomplete and/or in appropriate for the case as it presently stands.

For all of the foregoing reasons, the motion should be denied and the proposed Rule 26(f) report should be rejected. The parties should be ordered to proceed as outlined in our motion to compel Rule 26(f) conference, separately filed.

Respectfully submitted,

DEFENDANTS

By: /s/ John K. Crossman
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CERTIFICATE OF SERVICE

I hereby certify that, on July 30, 2008, a copy of the foregoing was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access the foregoing through the Court's system.

/s/ John K. Crossman
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