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October 10, 2007

*By ECF*

Honorable Ramon E. Reyes, Jr.  
United States Magistrate Judge  
U. S. District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Nicholas R. Kamparosyan, Telemak E. Kamparosyan v. The City of New York, et al.*, 07 Civ. 2691 (CBA)(RER)

Dear Magistrate Judge Reyes,

This office represent the plaintiffs Nicholas and Telemak Kamparosyan. We write to request that the Court order defendant Sterling Mets LLP (“Sterling”) to provide plaintiffs with the last-known home address for its co-defendant and former employee Kevin Anderson, so that we may serve Mr. Anderson with the Summons and Complaint.<sup>1</sup> Mr. Anderson was employed by Sterling as a security guard at Shea Stadium on the date of the incident giving rise to this action. On October 4, 2007, I requested Mr. Anderson’s address from Sterling’s counsel, but they did not respond to this request.

This is a civil rights action pursuant to 42 U.S.C. § 1983. On July 4, 2006, two brothers, Nicholas and Telemak Kamparosyan, attended a New York Mets baseball game at Shea Stadium, at which time they were assaulted by lawless security guards employed by Sterling. Nicholas was taken to the hospital for treatment following this assault. Subsequently, the Kamparosyan brothers were falsely arrested on a number of bogus charges, in a transparent attempt to cover up the misconduct by Shea security. These frivolous criminal charges are still

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<sup>1</sup>On September 13, 2007, this Court granted the City defendants’ motion to temporarily stay this action pending the resolution of plaintiffs’ pending criminal case. However, Plaintiff must still complete service on all defendants by November 2, 2007, or within the 120 days of filing the case, as mandated by Fed. R. Civ. P. 4(m).

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pending in Queens Criminal Court. Plaintiffs commenced this action on July 2, 2007.

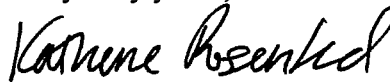
As of today, all of the named defendants (the City of New York, three police officers, and Sterling) have been served with the Complaint, except for Mr. Anderson. Since filing the Complaint, Plaintiffs have made diligent efforts to date to serve Mr. Anderson. First, we attempted to serve Mr. Anderson at the Manhattan office of his employer, Sterling. Counsel for Sterling refused to accept service, stating that it was their "policy."

Next, on October 3, 2007, our process server went to Shea Stadium to serve Mr. Anderson, and left the process there with a person of suitable age and discretion. Sterling argues that the October 3, 2007 service on Mr. Anderson at Shea was improper. Sterling is wrong. Mr. Anderson indisputably worked at Shea on the date of this incident. It is therefore proper to serve Mr. Anderson at Shea, his "actual place of business," pursuant to CPLR § 308(2). After our process server went to Shea, Sterling then claimed for the first time that Mr. Anderson no longer worked for the company. In an abundance of caution, we are willing to re-serve Mr. Anderson at his home. Sterling, however, refuses to provide Mr. Anderson's last-known home address.

Plaintiffs are left in a Catch-22 situation. We have made multiple attempts to serve Mr. Anderson. At the time of this incident last year, Sterling employed Mr. Anderson. Sterling indisputably is in possession of Mr. Anderson's home address. Sterling refuses to *either* (1) accept service for its employee; *or* (2) permit service at Shea Stadium where Mr. Anderson worked on the date of the incident; *or* (3) provide plaintiffs with Mr. Anderson's home address. Sterling's position is unreasonable. It also delays the inevitable. Once discovery commences in this case, and the stay is lifted, we will obtain Mr. Anderson's home address in discovery.

For the reasons set forth above, we respectfully request that the Court order defendant Sterling to provide Mr. Anderson's last-known home address to plaintiffs. In the alternative, we request that the Court grant plaintiffs an extension of time to serve Mr. Anderson until 30 days after Sterling produces Mr. Anderson's address in discovery once the stay of this case is lifted.

Very truly yours,



Katherine Rosenfeld

c: Jarrett L. Warner, Havkins Rosenfeld Ritzert & Varriale, Attorneys for Sterling Mets LLP  
(by fax)  
Sabrina Tann, Assistant Corporation Counsel, Attorneys for the City Defendants (by fax)