

VAL MANDEL, P.C.

Val Mandel
Member of NY, NJ and DC Bars
e-mail: vm@valmandelpc.net

80 Wall Street, Suite 1115
New York, NY 10005
(212) 668-1700
Fax (212) 668-1701

Eric Wertheim
Member of NY and NJ Bars
e-mail: ew@valmandelpc.net

Daniel Akselrod
Member of NY Bar
e-mail: da@valmandelpc.net

MEMO ENDORSED

June 2, 2010

VIA ECF

Honorable Ramon E. Reyes, Jr.
United States Magistrate Judge
United States District Court
225 Cadman Plaza East
Brooklyn, NY 11201

Re: **Vadim Mikhlyn, Inga Mikhlyn and ABC All Consulting, Inc. v. Ana Bove, Polina Dolginov, et al.**
Docket No.: 08 CIV. 3367

Dear Judge Reyes:

We represent plaintiffs in this action.

We are writing, in part, for two reasons. First, we are responding to the letter of Ana Bove and Polina Dolginov, *pro se*, dated May 28, 2010. Second, we seek the Court's assistance to resolve several problems that have arisen since the withdrawal of defendants' attorneys.

First, defendants have failed to respond to our request to come up with a briefing schedule for the Rule 37 sanctions motion we plan to file pursuant to Your Honor's most recent Order. You directed us to file the motion with Judge Ross and her Rules require the parties to agree to a briefing schedule and submit motion papers only after the motion is fully briefed. Defendants should be directed to confer with us about briefing dates or the Court should establish a briefing schedule. Consequently, we cannot file the motion via ECF on the June 4th date set by Your Honor at the May 11 conference.

We do not want to be drawn into the Berger firm's parting shot, now quoted by the *pro se* defendants, to the effect that everything has been produced and that there are no significant discovery issues. Suffice it to say the Rule 37 motion will reveal chronic and extensive discovery violations, repeated defiance of Your Honor's specific orders, and materially false statements to the Court offered by defendants

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to explain the absence of critical evidence. We believe defendants' severe and prejudicial misconduct will justify the sanction of a default judgment against them. Defendants' request for a quick trial is an attempt to avoid the consequences of their chronic failure to comply with Court orders and deadlines.

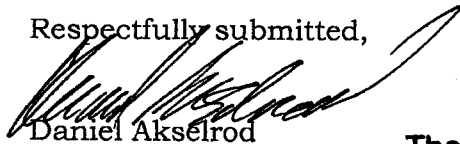
On the other hand, yesterday afternoon, we received a large volume of documents and discs from the Kogan firm, representing, apparently, that firm's belated compliance with Your Honor's order to produce any discovery materials in their possession by May 26, 2010. Because this late production may narrow the scope of issues in our upcoming Rule 37 motion, we would like a fair opportunity to review it. Accordingly, we request that the filing date of the Rule 37 motion be adjourned from this Friday, June 4, 2010 to next Friday June 11, 2010.

Unfortunately, the Kogan firm's late production also appears to include a substantial amount of privileged material marked as "Attorney-Client Privilege." We respectfully request Your Honor's input about how such material should be dealt with.

As for the corporate defendants, we will add a request for a default judgment against them in our upcoming motion. We will explain therein why a stay is improper. Defendants are free to oppose the default judgment in their submission to the Court.

Finally, we are constrained to note that defendants' letter consists of nothing more than dramatic, unsubstantiated statements of their innocence and our clients' wrongdoing. The evidence, including defendants' own deposition testimony and writings, will show that defendants are in the wrong and have caused substantial damage to our clients.

Respectfully submitted,



Daniel Akselrod

DA/st

cc: Ms. Ana Bove (via e-mail)
Ms. Polina Dolginov (via e-mail)

The application is granted denied.

Ramon E. Reyes, Jr., U.S.M.J.

Dated: 6/2/10
Brooklyn, New York

Pls' counsel directed to segregate all material marked "Attorney-Client Privilege" and return it to Pls' former counsel within 7 days of the date hereof. Pls' counsel may not copy or otherwise use or disclose the contents of said material.