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June 1, 2011

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:

This is in response to the letter, and related documents, filed today by Jonathan Berger, on behalf of defendants.

These filings constitute a discovery motion though they are not labeled as such. We therefore object to counsel's demand that you issue an order "immediately" about the matter. Counsel admits that he never raised the alleged issue with us before, as he is required to do, but excuses that inaction by saying "there is not much plaintiff's counsel could do" because our clients, rather than this firm, are allegedly at fault for the problem. This is not a valid excuse and does not make sense. Many discovery disputes involve the intransigence or wrongdoing of clients, as the history of this case confirms. It does not mean the rules of procedure do not apply.

Assuming the Court will address today's submissions despite counsel's failure to raise the issue with us, we ask that we be allowed to respond to today's submissions (as well as to address the proof of additional, intentional withholding of evidence by defendants as set forth in the recent filings by Boris Kogan, Esq.), by June 10, 2011.

Lastly, we respectfully request that Your Honor issue a ruling about the status

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of Levisohn Berger, LLP ("Berger Firm") in this case as well as the rights and obligations of the alleged pro se parties to represent themselves. If the Berger Firm is submitting motion papers "on behalf of the pro se defendants," (see letter dated December 28, 2010 - Docket No. 181), then they are not pro se defendants. This is not the first time this kind of thing has happened. Ms. Bove and Ms. Dolginov cannot enjoy the flexibility and indulgences given to pro se parties while effectively being represented and assisted by an experienced, capable law firm.

Respectfully submitted,



Daniel Akselrod

DA/st

cc: Ms. Ana Bove (via e-mail)  
Ms. Polina Dolginov (via e-mail)  
Peter L. Berger, Esq. (via e-mail)