

Ana Bove, Polina Dolginov (pro se Defendants)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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VADIM MIKHLYN, INGA
MIKHLYN, and ABC ALL
CONSULTING, INC.
Plaintiffs

-against

ANA BOVE, POLINA DOLGINOV
ANNA BOVE COMPANY, LLC,
ANA BOVE COLLECTIONS, INC.
and ANNA BOVE EMBROIDERY CV 08 3367
SUPPLIES, INC.
Defendants.

MEMORANDUM IN RESPONSE TO
AFFIRMATION OF BORIS KOGAN

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ANA BOVE, ANNA BOVE COMPANY,
LLC, and ANNA BOVE EMBROIDERY
SUPPLIES, INC.,
Counter-Plaintiffs,

-against

VADIM MIKHLYN, INGA MIKHLYN
and ABC ALL CONSULTING, INC.,
Counter-Defendants.

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**RESPONSE of PRO SE DEFENDANTS
TO AFFIRMATION OF BORIS KOGAN**

Honorable Judge Reyes:

We, pro se Defendants Ana Bove and Polina Dolginov, are filing this document in response Mr. Kogan's affirmation, filed on April 10, 2010 under SEAL (Doc. No. 201).

To support some of our allegations further, enclosed is affidavit of Alex Sakirski, and also affidavits of Ana Bove and Polina Dolginov, in which pro se Defendants adopt points 1-12 in affidavit of Alex Sakirski, as their own.

Reply to par. 25, where Mr. Kogan said: "Mr. Sakirski also indicates in the 2/21/10 Email in reference to Skype chats that Defendants "removed a lot from there since it's Attorney-Client privilege" indicating that Defendants would not provide the Skype chats sought by Plaintiffs, claiming a purported privilege."

Yet at the very beginning (in May-June 2008) Mr. Kogan explained us that all communications between Alex, Anna, Polina and Mr. Kogan, which relate to the case, are protected by Attorney-Client-Privilege, and can in no way be disclosed or given to anyone. Therefore when in the network of Alex (approximately in the beginning of 2009) some problems appeared, with a suspicion for virus, and at the same time appeared problems in Skype, which then completely stopped working, Alex performed an un-install of Skype on his network, and then installed a new Skype. Alex requested from Anna and Polina to do the same on their computers, in order not to allow the problems to re-appear. Alex was afraid to lose important information of his main business, unrelated to Anna Bove business, which is located within the same network. Due to such an emergency replacement of Skype, a part of our correspondence regarding the case, e.g. Attorney-Client-Privileged correspondence, disappeared. Alex consulted with Mr. Kogan about that in 2009, and Mr. Kogan said that there isn't any problem with this.