

VAL MANDEL, P.C.

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

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

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

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

August 7, 2009

VIA FAX

Boris Kogan, Esq.
Boris Kogan & Associates
277 Broadway, Suite 701
New York, NY 10007

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

Dear Boris:

It appears that we are again at an impasse about the discovery issues we addressed at our last meeting.

It does not help that you have not been returning my phone calls for the last several weeks. Your actions are not only discourteous but violate the Magistrate's order that we talk, rather than write, about discovery issues.

The unresolved issues are as follows:

1. You will not commit to a date for the exchange of artwork and designs. In a recent e-mail, David Binson raised, for the first time, the supposed need for a written agreement covering this exchange (to be drafted by our firm). These documents are being produced as part of the ordinary discovery process, the only difference being your insistence that they be produced simultaneously. There is no need or right to an agreement covering this exchange.
2. You will not commit to a date certain for your response to our second document request, even though the response is now four months old. It is important to both sides that we have a date certain for the production of all remaining documents well in advance of the August 28, 2009 date for reporting

Boris Kogan, Esq.
August 7, 2009
Page 2

to the Magistrate so that both sides can review the productions and determine if there are still issues or objections.

3. You never got back to us about the procedure for reviewing emails and chats although you represented that you were meeting with your client several weeks ago and would get back to us about it.

4. We need to confirm the exchange of tax related documents (including personal tax documents) and the production of pre and post-"marriage" financial records.

If we are at an impasse about any or all of these subjects, I believe we should jointly report the impasse to the Magistrate sooner rather than later. There is no reason to wait until August 28. If I do not hear from you by Monday, we will write to the Magistrate on our own.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Eric Wertheim', with a long horizontal stroke extending to the right.

Eric Wertheim

EW/da