

Case 1:08-cv-04451-JBW-VVP Document 96 Filed 03/24/2009 Page 1 of 6



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Mark S. Reich  
MReich@csgrr.com

**BROOKLYN OFFICE**

March 24, 2009

Hon. Jack B. Weinstein, U.S.D.J.  
U. S. District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

FAD  
3/24/09

Re: *Koschitzki v. Apple, Inc., et al., Case No. 1:08-cv- 4451-JBW-VVP*

Dear Judge Weinstein:

We respectfully write to inform the Court that the plaintiff in this action, Mr. Avi Koschitzki, has notified one of his counsel, Rigrodsky & Long, P.A. ("R&L"), that he no longer wants R&L to represent him in this matter (see Mr. Koschitzki's letter, attached as Exhibit A). Mr. Koschitzki asked that this firm, Coughlin Stoia Geller Rudman & Robbins LLP ("CSGRR"), replace R&L as his counsel and to represent him as co-counsel with Stein Farkas & Schwartz LLP in this action and any potentially-related multidistrict litigation.

Pursuant to the instruction of your Honor's chambers, we asked Mr. Seth Rigrodsky, managing partner of R&L, for his consent to substitute counsel. Mr. Rigrodsky refused to consent by e-mail containing unprofessional language, which I will not repeat. However, I attach that e-mail as exhibit B if the Court wishes to review it. In light of R&L's refusal to consent to the wishes of Mr. Koschitzki, chambers instructed us to submit this letter, which we respectfully ask to be "So Ordered" so that we may file the necessary appearances with the Court and the ECF system.

By way of background, I practiced with the law firm of R&L until March 13, 2009. I began my new employment with CSGRR yesterday. Mr. Joseph Russello, who was also an attorney with R&L until recently, also began his new employment with CSGRR yesterday. During the interim week, Mr. Koschitzki, through the assistance of his counsel Mr. Josh Farkas, decided that he would terminate R&L and consider the retention of alternate co-counsel (see Exhibit A). The decision was based on the fact that, among other reasons, Mr. Russello and I, the attorneys principally responsible for the day-to-day management of this action on Mr. Koschitzki's behalf, would no longer be handling this case at R&L. Yesterday, Messrs. Koschitzki and Farkas ultimately decided to retain CSGRR, in part, because CSGRR is one of the

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Hon. Jack B. Weinstein  
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largest, prominent and most successful class action law firms in the country, as well as the fact that Mr. Russello and I have the ability to seamlessly continue to represent Mr. Koschitzki without interruption.

We are available to address any questions the Court may have in connection with this request and thank the Court for its time and attention to this letter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark S. Reich".

MARK S. REICH

A handwritten signature in black ink, appearing to read "J. Weinstein".  

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So Ordered: Hon. Jack B. Weinstein  
3/26/09

MSR:dmg

- Cc. All counsel (via ECF)  
Seth D. Rigrodsky, Esq. (via email)  
Brian D. Long, Esq. (via email)  
Joshua Farkas (via email)  
Samuel H. Rudman (via email)  
Robert M. Rothman (via email)  
Joseph Russello (via email)

# EXHIBIT A

Avi Koschitzki  
1021 Westwood Rd  
Woodmere, NY 11598-1124

March 16, 2009

Rigrodsky & Long, P.A.  
Seth D. Rigrodsky, Esq.  
919 North Market Street  
Suite 980  
Wilmington, Delaware 19801

Re: *Koschitzki v. Apple, Inc., et al.*, Case No. 1:08-cv-4451-JBW-VVP

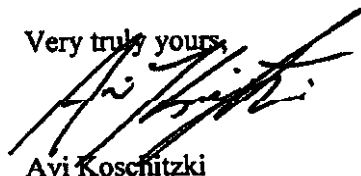
Dear Mr. Rigrodsky:

By this letter, please cease performing any legal work in connection with the above-captioned matter. My counsel, Stein Farkas & Schwartz LLP, will represent me exclusively until he and I can reach a determination as to whether to retain additional counsel. Kindly send me copies of all documents maintained by your firm in connection with this action. The term documents includes, but is not limited to, all emails, handwritten notes, drafts, time record entries, pleadings, research, and court submissions. I ask that you forward the requested information to me via my counsel, in both electronic/email and hard copy formats. Kindly forward the information within the next one to two business days as I understand there are important deadlines forthcoming in connection with this matter and I would like to ensure that my interests are not prejudiced.

This termination is effective immediately. I trust that you will maintain any confidential information you learned during the course of your representation of me in the strictest confidence, including, but not limited to, matters pertaining to my purchase, activation and usage of cell phones.

Thank you for your cooperation.

Very truly yours,

A handwritten signature in black ink, appearing to read "Avi Koschitzki", written over a horizontal line.

Avi Koschitzki

## EXHIBIT B



Print

Subject RE: Koschitzki  
From: Seth D. Rigrodsky <SDR@rigrodskylong.com>  
Sent: Mar 23, 2009 02:06:57 PM  
To: markreich@verizon.net

Go fuck yourself.

Seth D. Rigrodsky, Esq.  
Rigrodsky & Long, P.A.  
919 North Market Street, Suite 980  
Wilmington, DE 19801  
Main Firm Tel.: (302) 295-5310  
Direct Dial: (302) 295-5305  
Facsimile: (302) 654-7530  
E-mail: [sdn@rigrodskylong.com](mailto:sdn@rigrodskylong.com)

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-----Original Message-----  
From: [markreich@verizon.net](mailto:markreich@verizon.net) [mailto:[markreich@verizon.net](mailto:markreich@verizon.net)]  
Sent: Monday, March 23, 2009 2:06 PM  
To: Seth D. Rigrodsky; Brian D. Long  
Cc: [josh@steinfarkasllp.com](mailto:josh@steinfarkasllp.com)  
Subject: Koschitzki

Seth and Brian:

Please let me know as soon as possible whether you will sign a substitution of counsel form. If not, we will seek the necessary relief from the court.

Thank you.

Sent from my Verizon Wireless BlackBerry