

Meyer, Suozzi, English & Klein, P.C.
990 Stewart Avenue, Suite 300
P.O. Box 9194
Garden City, New York 11530-9194
Direct Dial: 516-592-5709 Office: 516-741-6565
Fax: 516-741-6706
kschlosser@msek.com
www.msek.com

March 12, 2019

BY ECF

The Honorable Arthur D. Spatt
United States District Judge
c/o Clerk's Office
United States District Court for the Eastern District of New York
100 Federal Plaza, Courtroom 1020
Central Islip, New York 11722-9014

Re: Meyer, Suozzi, English & Klein, P.C. v. Higbee et al.
18-CV-03353 (ADS) (ARL)

Dear Judge Spatt:

We represent plaintiff (pro se) in the above matter.

We note that in response to plaintiff's letter motion to strike (DE 13 -- 07/30/18), Your Honor issued a docket entry order on March 1, 2019 granting our motion to strike and directing the Higbee defendants to file a reply brief 10 pages or less in length no later than March 11, 2019.

We also note that the Higbee defendants filed a reply memorandum of law on March 11, 2019 (DE 25). It appears that the text spacing in this new reply memorandum violates this Court's Local Civil Rule 11.1(b) mandating the form of all papers submitted to the Court, including on motions. Local Civil Rule 11.1(b)(3) requires that "all text must be double-spaced, except for headings, text in footnotes, or block quotations, which may be single-spaced." Both from a plain-eye observation and by measuring the lines with a ruler against double-spaced documents, it appears that the latest reply memorandum is narrower than "double-spaced." Indeed, a comparison of the double-spaced declaration of Matthew K. Higbee submitted with the reply memorandum shows quite obviously the difference in the double-spaced text in the Higbee declaration and the narrower spacing in the memorandum of law (see DE 25, compared to DE 25-1).

We acknowledge that these are not substantive points on the motion, but we respectfully submit that Rules are made for a purpose and everyone should be required to follow the Rules, not just one side of a case. This seems especially apropos here where Your Honor acknowledged the importance of following the Rules by striking the

The Honorable Arthur D. Spatt
March 12, 2019
Page 2

original reply memorandum and ordering compliance with the Rules in any newly-filed document.

We respectfully request that the Higbee defendants' reply memorandum (DE 25) be stricken and no further leave be given.

Respectfully yours,

/s/ Kevin Schlosser

KS:jr

cc: Defendants' Counsel (by ECF)

4226295