

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PATSY'S BRAND, INC.,

Plaintiff,

v.

99-CV-10175 (KMW)

I.O.B. REALTY, INC., PATSY'S INC., FRANK
BRIJA, JOHN BRECEVICH, and NICK
TSOULOS,

ORDER

Defendants.

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KIMBA M. WOOD, United States District Judge:

The Court directs Defendants to take the following steps to cure deficiencies in the discovery produced pursuant to the Court's October 30, 2019 Order:

1. No later than December 9, 2019, Defendants shall submit to Plaintiff and the Court color copies of all responsive documents.
2. No later than December 9, 2019, Defendants shall submit to Plaintiff and the Court any responsive documents missing from Defendants' initial production. Specifically, Defendants shall submit any missing replies or additional correspondence associated with documents 9023, 9031, 9036, 9039, 9054, 9109-10, 9118, 9119-20, 9121-22, 9131, 9134, and 9141-43. With respect to each of these documents, Defendants shall file and serve, by December 9, 2019, a sworn Affidavit stating (a) the reason Defendants previously failed to produce the reply and/or additional correspondence; (b) the reason Defendants are presently unable to produce the reply and/or additional correspondence; or (c) that no reply or additional correspondence exists.
3. No later than December 9, 2019, Defendants shall file and serve a sworn affidavit providing a detailed description of the search Defendants conducted in gathering

responsive documents, in order to clarify Defendants' representation that "No documents were knowingly withheld, but objections framed the scope of the search to include documents within I.O.B. Realty's custody and control and proportional to the needs of the case." If Defendants withheld any documents because Defendants did not deem them proportional to the needs of the case, Defendants shall describe in detail, in the aforementioned December 9, 2019 Affidavit, the withheld documents, and shall submit to the Court *in camera*, attached to the December 9, 2019 Affidavit, a copy of each withheld document.

Plaintiff's request for a conference in advance of the scheduled December 11, 2019 hearing is denied.

Dated: New York, New York
December 3, 2019



KIMBA M. WOOD
United States District Judge