

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GEORGY USOV,

Plaintiff,

13 Civ. 818

-against-

OPINION

MARC LAZAR and MARC LAZAR, INC.,

Defendants.

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A P P E A R A N C E S:

Attorneys for Plaintiff

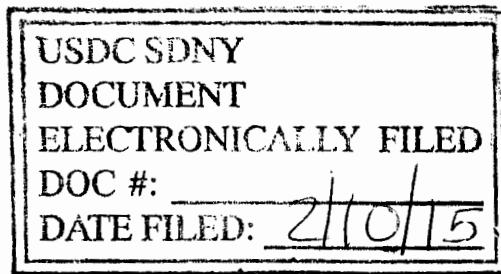
THE ROTH LAW FIRM, PLLC
295 Madison Avenue
New York, NY 10017

By: Richard A. Roth, Esq.

Attorneys for Defendants

NEIMAN & MAIRANZ P.C.
39 Broadway, 25th Floor
New York, NY 10006-3003

By: Marvin Neiman, Esq.



Sweet, D.J.

The plaintiff Georgy Usov ("Usov" or "Plaintiff") has moved by letter to compel document production from the defendant Marc Lazar, Inc. ("MLI" or "Defendant") in this dispute over the payment for and ownership of diamonds. The motion is granted in part and denied in part as set forth below.

Prior Proceedings

Familiarity with the facts and prior proceedings in this action, which were set forth in this Court's June 18, 2013 and August 22, 2014 opinions (see Dkt. Nos. 22, 90.), is assumed.

The exchange of counsel with respect to Usov's request was completed on December 30, 2014, at which time the motion was marked fully submitted.

The Motion Is Granted In Part And Denied In Part

The documents relating to the 34 diamonds referred to in the complaint - including, but not limited to, inventory lists, invoices, proofs of payment or deposit, and bills of

lading - will be produced unredacted for attorney's eyes only. With respect to documents relating to the importation of the diamonds which Defendant represents as having already been produced, Defendant will identify those documents by Bates number.

The documents relating to the sale of the 1.75 carat Fancy Intense Purplish Pink Diamond and the 8.36 Natural Fancy Blue Diamond will be produced for attorney's eyes only.

The block insurance policy and any other insurance policies relating to the diamonds at issue will be produced.

The request for tax returns is denied with leave granted to renew upon a showing of good cause.

Any minutes of MLI which refer to the diamonds at issue will be produced.

Given that Plaintiff has withdrawn his motion to compel production of the GIA certifications, this request is disregarded.

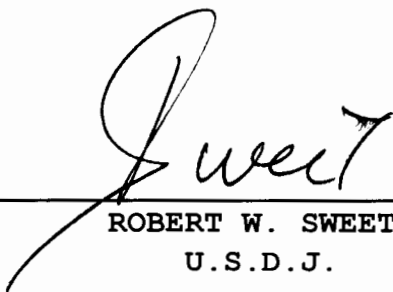
In view of the Defendant's representation that there are no documents other than the blanket UCC responsive to the request, the request for any agreements using the diamonds as collateral is denied.

Documents relating to the transportation and security of the diamonds at issue will be produced for attorney's eyes only.

The parties will meet and confer on any interrogatories or objections in dispute and, failing resolution, a further formal motion may be filed.

It is so ordered.

New York, NY
February 16, 2015



ROBERT W. SWEET
U.S.D.J.