

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X	:	
SADIS & GOLDBERG, LLP,	:	
	:	
Plaintiff,	:	14-CV-913 (LTS) (OTW)
	:	
-against-	:	<u>ORDER</u>
	:	
SUMANTA BANERJEE,	:	
	:	
Defendant.	:	
	:	
-----X	:	

ONA T. WANG, United States Magistrate Judge:

The Court is in receipt of Defendant's request to adjourn the evidentiary hearing scheduled for January 22, 2020 and Plaintiff's opposition to the request. The Court notes for the record that these letters were emailed to Chambers due to privacy concerns expressed by Defendant.¹

It is hereby **ORDERED** that the hearing scheduled for January 22, 2020 is adjourned. A rescheduled evidentiary hearing will now be held on **Thursday February 27, 2020 at 2:00 p.m.** The parties' joint exhibit list and deposition designations are due by **February 14, 2020**.

SO ORDERED.

Dated: January 15, 2020
New York, New York

s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge

¹ The Court has attached the request and related documents with redactions for the record. Defendant may request further redactions if necessary.

VIA ECF
The Hon. Judge Ona T. Wang
United States District Court for the
Southern District of New York
500 Pearl Street
New York, New York 10007

January 7, 2020

Re: Sadis & Goldberg, LLP v Sumanta Banerjee, Dkt No 14-cv 00913(LTS)(OTW)
Request for postponement of Evidentiary Hearing

Dear Hon. Judge Wang,

I, Sumanta Banerjee, am the pro se defendant in the case Sadis & Goldberg, LLP v Sumanta Banerjee, Dkt No 14-cv 00913(LTS)(OTW).

I am requesting a postponement of two weeks of the Evidentiary Hearing for any date after February 4, 2020. It is currently scheduled for January 21st, 2020, with document submission to the Court from each side, due on 1/15/2020. I would request the date of document submission be kindly extended to February 4th, 2020.

[REDACTED]

I reached out to Plaintiff's counsel alerting them to the situation last week and the likelihood that I will be headed to India, but he has not been willing to discuss a postponement. I have to travel immediately with my mother [REDACTED]

As mentioned, this is an emergency situation, and I am traveling on January the 8th, returning on the 2nd of February. I expect that it will take me the full 3 weeks to resolve this situation. As you may remember, [REDACTED] I am also attaching an affidavit from my mother as Exhibit A along with the airline tickets as Exhibit B. Additionally, please see the communication last week to the Plaintiff's counsel as Exhibit C.

The Plaintiff's counsel has previously requested extensions of time for religious holidays, trials, and HRB productions (2+ months). Despite being a pro se litigant, this is the first time I have requested a postponement and it is not a situation that is under my control. My lawyers may have asked for a postponement, but that was due to the need to get documents from India. This situation, which is beyond my control, requires me to request a 2 week postponement of the Hearing to anytime after the 4th of February, 2020. I am leaving for India on January 8th and hope to have all the urgent business matters [REDACTED] completed in the next 3 weeks.

I am respectfully requesting that Your Honor reschedule the Evidentiary Hearing for any other mutually convenient date after Feb. 4th, 2020 and the Document Submission date to Feb 4th, 2020 upon my return to the US on Feb 2,2020.

Respectfully submitted,

Sumanta Banerjee
Pro se defendant
1514 Cook School Rd
Pittsburgh, PA 15241
zbacllc@gmail.com



A STAR ALLIANCE MEMBER

ECONOMY CLASS**BOARDING PASS**

Name BANERJEE/REBA	SEAT 33C	FF No.	FF Tier
From DULLES-WASHINGTON	To DELHI	SSR WCHR	Flight Number AI 0104
Gate	Boarding Time 09:55	Class G	Date 08JAN
		PNR	Departure Time 10:25
			Seq No. 12
			E-Ticket Number

You have completed your check-in successfully!

You must present this boarding pass along with a valid photo identification, to enter the airport. Please read carefully the information below and print your boarding pass before going to the airport. Please read our terms and conditions of contract at www.airindia.in

PASSENGERS HAVING BOARDING PASS WITH "D" PRINTED ON IT ARE REQUIRED TO CONTACT CHECK-IN COUNTER TO GET THEIR BOARDING PASS AUTHENTICATED PRIOR TO PROCEEDING FOR SECURITY.

Web Check-in Boarding pass**Travelling with Check-in Bags?**

1. Print your Web Boarding Pass.
2. Report at the Airport as per the applicable timings. We encourage you to avail the Self Service Kiosks (at select Airports) to complete your Check-in formalities and to avoid queues at Check-in Counters. Get your Baggage checked-in and Travel Documents verified.
3. Proceed to the Security/Immigration and Customs (as applicable). At the Boarding Gate present your Boarding Pass and Travel Documents to our Customer Service Agent. Checked-in Baggage will not be accepted after the closure of Check-in Counter. Please ensure to reach the Airport well in time.
Please plan for Security Queues.

Please note that your Free Cabin Baggage Allowance is limited to 01 Pc Weight 08 kgs only. Refer to your Reservation / Ticket details for Baggage Allowances applicable to your ticket. You may contact your Travel Agent / AI Reservation Offices or Call Center or log on to AI Website www.airindia.in for applicable conditions. Travel Light. You may not be allowed to board with excess carry on baggage.

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A STAR ALLIANCE MEMBER

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From DULLES-WASHINGTON	To DELHI	SSR WCHR	Flight Number AI 0104
Gate	Boarding Time 09:55	Class G	Date 08JAN
		PNR	Departure Time 10:25
			Seq No. 12
			E-Ticket Number



A STAR ALLIANCE MEMBER

ECONOMY CLASS

T

BOARDING PASS

Name BANERJEE/REBA

SEAT 27C

FF No.

FF Tier

From DELHI

To KOLKATA

SSR WCHR

Flight Number AI 0020

Date 09JAN

Departure Time 14:00

Gate

Boarding Time 13:30

Class K

PNR

Seq No. 1

E-Ticket Number

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A STAR ALLIANCE MEMBER

ECONOMY CLASS

T

BOARDING PASS

Name BANERJEE/REBA

SEAT 27C

FF No.

FF Tier

From DELHI

To KOLKATA

SSR WCHR

Flight Number AI 0020

Date 09JAN

Departure Time 14:00

Gate

Boarding Time 13:30

Class K

PNR

Seq No. 1

E-Ticket Number



A STAR ALLIANCE MEMBER

ECONOMY CLASS

BOARDING PASS

Name	SEAT	FF No.	FF Tier		
BANERJEE/SUMANTA	33D				
From	To	SSR	Flight Number	Date	Departure Time
DULLES-WASHINGTON	DELHI		AI 0104	08JAN	10:25
Gate	Boarding Time	Class	PNR	Seq No.	E-Ticket Number
	09:55	G		13	

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A STAR ALLIANCE MEMBER

ECONOMY CLASS

BOARDING PASS

Name	SEAT	FF No.	FF Tier		
BANERJEE/SUMANTA	33D				
From	To	SSR	Flight Number	Date	Departure Time
DULLES-WASHINGTON	DELHI		AI 0104	08JAN	10:25
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A STAR ALLIANCE MEMBER

ECONOMY CLASS

T

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SEAT 27D

FF No.

FF Tier

From DELHI

To KOLKATA

SSR

Flight Number AI 0020

Date 09JAN

Departure Time 14:00

Gate

Boarding Time 13:30

Class K

PNR

Seq No. 2

E-Ticket Number

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ECONOMY CLASS

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BOARDING PASS

Name BANERJEE/SUMANTA

SEAT 27D

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To KOLKATA

SSR

Flight Number AI 0020

Date 09JAN

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Boarding Time 13:30

Class K

PNR

Seq No. 2

E-Ticket Number

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SADIS & GOLDBERG, LLP

Plaintiff

against

SUMANTA BANERJEE

Defendant

Case no :14-cv-000913 (LTS)

AFFIDAVIT OF DR. REBA BANERJEE

I, Reba Banerjee, do solemnly swear, that all the statements herein are true and accurate.

I am a Indian citizen with a Permanent Resident Card (aka US Green Card) and my permanent address is [REDACTED]. I am a MD as well as a PhD.

[REDACTED]

My son, Sumanta Banerjee, will be accompanying me as I require his assistance [REDACTED] and also to accompany me in my travel back to India. [REDACTED]

[REDACTED]

Respectfully submitted

Reba Banerjee

Reba Banerjee

Sworn to me on this 7 day of January 2020.

Valerie Miller

Notary Public

State of Pennsylvania
Allegheny County
Pittsburgh, PA

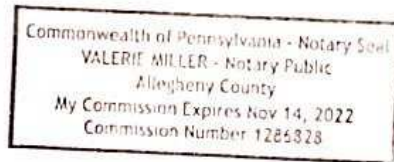


Exhibit C- Email Communication

Re: Draft Joint Status Letter (12-19-2019) (00384266x9ED28)

1 message

Zbac LLC <zbacllc@gmail.com>
To: Ben Hutman <BHutman@sadis.com>
Bcc: zbacllc@gmail.com

Tue, Dec 31, 2019 at 11:30 AM

Ben - Let's try and resolve this amongst ourselves. I have accommodated all your timing issues with waiting for HRB, etc. (after you had the IRS taxes) and moving the originally scheduled court "trial" from November. I had to move things around when we moved the date to January.

I cannot control emergencies and [REDACTED]

[REDACTED] Hence, my request to move the date and it would be better if you agreed to a move (rather than Morion practice and wasting the Courts time) anytime after the first week of February. I am planning to leave for India as soon as possible and expect to resolve the matters in a month. So my request is for a 3 week adjournment (there is no time sensitivity to this) to help my mother resolve the emergency situation. So if you could provide some dates after the first week of February - we could do a Joint Motion or write a letter to the Court apprising them of the situation and propose whatever date works for you after the first week of February. Please advise if this works as a potential solution. I hope you can accommodate this request from a professional courtesy standpoint.

Thanks in advance.

Best wishes,

Sam Banerjee

PS - I have been trying to resolve the emergency situation for a week or so and have only reached out to you when it is looking increasingly likely that I may have to travel to India imminently.



Ben Hutman
212.573.6675
bhutman@sglawyers.com
www.sglawyers.com

January 9, 2020

VIA EMAIL

The Hon. Judge Ona T. Wang
United States District Court for the
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Sadis & Goldberg, LLP v. Sumanta Banerjee, Dkt. No. 14-cv 00913(LTS)(OTW)
Opposition to Defendant's Request for Postponement of Hearing

Dear Judge Wang,

I am writing on behalf of Plaintiff, Sadis & Goldberg, LLP ("Sadis") to oppose Defendant's January 7, 2020 letter ("Defendant's Letter") requesting to postpone the evidentiary hearing currently scheduled for January 22, 2020 at 2 p.m. Since this matter was first remanded to this Court in April of 2018, Defendant has sought extensions and delayed resolving this issue by repeatedly not producing or baselessly redacting requested documents. He should not be permitted to further postpone resolving this matter. Moreover, even if Defendant truly needs to escort his mother to India, Defendant's Letter provides no reason why he cannot fly back to the United States for the January 22, 2020 hearing.

The following is brief summary of many of Defendant's extensions and delay tactics since the Second Circuit remanded this matter for a determination of Defendant's domicile:

1. Defendant delayed the initial teleconference by six weeks, to late June 2018, ostensibly because he was travelling to India. (Dkt. Nos. 87-89.)
2. Defendant sought and received extensions to respond to Sadis' document requests and to produce documents. (Dkt. Nos. 91-93.)
3. Defendant refused to produce relevant categories of documents, produced a meager amount of documents six days past the extended deadline, November 7, 2018, and many of the documents redacted highly relevant, non-privileged information. Defendant promised to make a supplemental production on December 14, 2018. (Dkt. Nos. 96-97.)
4. Defendant's supplemental production was still far from sufficient and the Court ordered Defendant to produce the unredacted documents and the missing categories of documents by January 11 and January 18, 2019 respectively. (Dkt. No. 101)

5. On December 27, 2018, Defendant's counsel requested and received an extension of those deadlines from the Court out to January 11 and January 25, 2019 respectively. (Dkt. Nos. 102-103.)
6. Defendant refused to produce documents he claimed were in his wife's possession and insisted on a third party subpoena. (Dkt. No. 113 at 14:21-15:12.) Sadis served the subpoena promptly. Sadis was also forced to use third-party subpoenas to attempt to get other categories of documents that Defendant failed to produce—including his state tax returns.
7. Defendant's first counsel withdrew. Subsequent counsel failed to produce all of the required documents by January 25, 2019. It was subsequently revealed that Defendant used credit cards in the name of family trust and the statements were never produced. (Dkt. No. 116.)
8. Mrs. Banerjee finally made a small production of documents on February 12, 2019. After Sadis expressed that this was insufficient, a second set of documents was produced on February 27, 2019. (Dkt. No. 123.)
9. Defendant failed to produce the family trust account credit card statements and unredacted versions of the Axis bank credit card statements. (*Id.*) The Court ordered their production by April 5, 2019. (Dkt. No. 124.)
10. Mrs. Banerjee's document production revealed the probable existence of a Fidelity investment account which had not been previously revealed and no documents had been produced from it. (Dkt. No. 138 at 14:20-16:24.)
11. In April of 2019, Defendant finally produced a few documents from two Fidelity accounts. These documents showed that the accounts were in Defendant's name and should have been produced in response to Sadis' original requests. (Dkt. No. 125 at 1-2.)
12. On April 16, 2019, Defendant's second counsel withdrew. (Dkt. Nos. 129-131.) Sadis was forced to use third party subpoenas to get access to the Fidelity account statements and tax documents that were never produced by Defendant. (Dkt. Nos. 140-141.) Defendant moved to quash the subpoenas. (Dkt. No. 146.)
13. On August 26, 2019, the Court denied Defendant's motion to quash. (Dkt. No. 165.) Sadis promptly served the third-party subpoenas on Fidelity and HRB. Although Fidelity produced the requested documents, HRB initially refused to do so. (Dkt. No. 175.) Upon order of the Court, Defendants gave authorization to HRB to produce the requested documents. (Dkt. Nos. 177-178.)
14. The Court adjourned the evidentiary hearing scheduled in November because HRB had not yet produced the requested documents. Defendant was unavailable for the

hearing during the week of January 6, 2020—the week suggested by the Court—so the parties agreed to a few potential dates, including January 22, 2020. (Dkt. Nos. 182, 185.)

Now Defendant is asking for a further delay for the hearing until sometime in February 2020. Sadis understands the importance of family and taking care of one's elderly parent. Sadis has no issue with Mr. Banerjee accompanying his mother on her trip to India. However—as Sadis explained to Defendant in email correspondence—this hearing is important enough to fly back to the United States. See Exhibit A, hereto.¹

Sadis is willing to push back the date for pre-hearing filings to January 17 or 20, 2020 but Sadis opposes any postponement of the hearing.

Respectfully submitted,

By: /s/ Ben Hutman
Ben Hutman
SADIS & GOLDBERG, LLP
551 5th Avenue, 21st Floor
New York, New York 10176
(212) 573-6675
Counsel for Plaintiff

¹ Plaintiff notes that Defendant's exhibit purporting to show the correspondence between the parties was incomplete.

Exhibit A

Ben Hutman

From: Ben Hutman
Sent: Thursday, January 2, 2020 2:32 PM
To: 'Zbac LLC'
Subject: RE: Draft Joint Status Letter (12-19-2019) (00384266x9ED28)

Sam,

From the beginning of this process you have requested extensions and delays. I will go back and document them for the Court in any opposition to your request for an adjournment. The date in late January was because you could not do the earlier weeks in early January suggested by the Court.

I had to request documents from HRB because you and your wife did not produce those documents or answer the relevant questions in your depositions. The IRS transcript permissions you gave, and the transcript they produced, did not include your 2013 and 2014 tax returns and you never produced full versions of those tax returns. Time and time again in this process we have had to request and re-request documents that should have been produced earlier.

You can make a request to the Court. We will oppose.

Ben Hutman, Associate | Bio

Sadis & Goldberg LLP
551 Fifth Avenue, 21st Floor
New York, NY 10176

bhutman@sadis.com
Phone: 212.573.6675
Fax: 212.573.3796
sadis.com

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-----Original Message-----

From: Zbac LLC <zbacllc@gmail.com>
Sent: Tuesday, December 31, 2019 11:30 AM
To: Ben Hutman <BHutman@sadis.com>
Subject: Re: Draft Joint Status Letter (12-19-2019) (00384266x9ED28)

Ben - Let's try and resolve this amongst ourselves. I have accommodated all your timing issues with waiting for HRB, etc. (after you had the IRS taxes) and moving the originally scheduled court "trial" from November. I had to move things around when we moved the date to January.

I cannot control emergencies and [REDACTED]

[REDACTED] Hence, my request to move the date and it would be better if you agreed to a move (rather than Morion practice and wasting the Courts time) anytime after the first week of February. I am planning to leave for India as soon as possible and expect to resolve the matters in a month. So my request is for a 3 week adjournment (there is no time sensitivity to this) to help my mother resolve the emergency situation. So if you could provide some dates after the first week of February - we could do a Joint Motion or write a letter to the Court apprising them of the situation and propose whatever date works for you after the first week of February. Please advise if this works as a potential solution. I hope you can accommodate this request from a professional courtesy standpoint.

Thanks in advance.

Best wishes,

Sam Banerjee

PS - I have been trying to resolve the emergency situation for a week or so and have only reached out to you when it is looking increasingly likely that I may have to travel to India imminently.

> On Dec 31, 2019, at 9:01 AM, Zbac LLC <zbacllc@gmail.com> wrote:

>

> Ok Ben. I will not fly back when I have to resolve emergencies.

>

> Please oppose it and it will not make a difference since I will NOT be able to attend. I will know more this week but get ready with your opposition motion!

>

> Sam Banerjee

>

>

>

>> On Dec 31, 2019, at 8:53 AM, Ben Hutman <BHutman@sadis.com> wrote:

>>

>> I think this hearing is worth flying back for. We will oppose any request you make to the Court requesting an adjournment of the hearing.

>>

>> Ben Hutman, Associate | Bio

>>

>> Sadis & Goldberg LLP

>> 551 Fifth Avenue, 21st Floor

>> New York, NY 10176

>>

>> bhutman@sadis.com

>> Phone: 212.573.6675

>> Fax: 212.573.3796

>> sadis.com

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>>

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>>

>>

>> -----Original Message-----

>> From: Zbac LLC <zbacllc@gmail.com>

>> Sent: Tuesday, December 31, 2019 8:41 AM

>> To: Ben Hutman <BHutman@sadis.com>

>> Subject: Re: Draft Joint Status Letter (12-19-2019) (00384266x9ED28)

>>

>> I understand but I may not be able to control it since as you know I manage my families real estate in India. I will know more this week but I will be out of pocket for a month at least if I have to leave in a week or so. I guess we are then looking at March 2020.

>>

>> Sam Banerjee

>>

>>

>>

>>>> On Dec 30, 2019, at 4:00 PM, Ben Hutman <BHutman@sadis.com> wrote:

>>>

>>> Sam,

>>>

>>> Moving the current date will be very difficult for me. I have already scheduled various other matters around the January 22 hearing date. Additionally, I will likely be out of the country myself at the end of February.

>>>

>>> Thank you,

>>>

>>> Ben Hutman, Associate | Bio

>>>

>>> Sadis & Goldberg LLP

>>> 551 Fifth Avenue, 21st Floor

>>> New York, NY 10176

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>>>

>>> -----Original Message-----

>>> From: sumanta banerjee <zbacllc@gmail.com>

>>> Sent: Monday, December 30, 2019 3:06 PM

>>> To: Ben Hutman <BHutman@sadis.com>

>>> Subject: Re: Draft Joint Status Letter (12-19-2019) (00384266x9ED28)

>>>

>>> Ben - I have a work related emergency that has cropped up which might warrant me to travel out of the country for a month or so. I am trying to sort it out so I can still make the Court hearing, however, wanted to give you the heads up that I may have to travel in the next week or so. Would it be ok with you if we had to delay the Court hearing in case I have to travel to sometime towards the end of February? Please let me know.

>>>

>>> Thanks,

>>>

>>> Sam

>>>

>>>> On Dec 19, 2019, at 7:53 PM, Ben Hutman <BHutman@sadis.com> wrote:

>>>>

>>>> I don't see any changes in what you sent me back. It looks fine to me.

>>>>

>>>> Ben Hutman, Associate | Bio

>>>>

>>>> Sadis & Goldberg LLP

>>>> 551 Fifth Avenue, 21st Floor

>>>> New York, NY 10176

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>>>>

>>>>

>>>> -----Original Message-----

>>>> From: Zbac LLC <zbacllc@gmail.com>

>>>> Sent: Thursday, December 19, 2019 7:42 PM

>>>> To: Ben Hutman <BHutman@sadis.com>; Ben Hutman <BHutman@sadis.com>

>>>> Subject: Draft Joint Status Letter (12-19-2019) (00384266x9ED28)

>>>>

>>>> Ben,

>>>>

>>>> I made a few edits, however, forgot to redline. Please review. They are minimal and just clarifications.

>>>>

>>>> Please send me the final after your review And I will send my approval. Thanks

>>>>

>>>> <Draft Joint Status Letter (12-19-2019) (00384266-2x9ED28).DOCX>

>>>



Re: Draft Joint Status Letter (12-19-2019) (00384266x9ED28)

1 message

Zbac LLC <zbacllc@gmail.com>

Tue, Dec 31, 2019 at 8:40 AM

To: Ben Hutman <BHutman@sadis.com>

Bcc: zbacllc@gmail.com

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Sam Banerjee

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> Ben Hutman, Associate | Bio

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