

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VICTOR H. ALVARADO BALDERRAMO,
*individually and on behalf of all other persons
similarly situated, et al.,*

Plaintiffs,

– against –

GO NEW YORK TOURS INC., *and* ASEN
KOSTADINOV, *jointly and severally,*

Defendants.

ORDER

15 Civ. 2326 (ER)

Ramos, D.J.:

The Court is in receipt of Plaintiffs' proposed order to show cause and the supporting affirmation. Docs. 333, 334.

On December 3, 2021, the parties appeared before the Court for a pre-motion conference in connection with Plaintiffs' anticipated motion pursuant to Federal Rule of Civil Procedure 45(g) to hold the following deponents in contempt of Court for failure to respond to previously issued subpoenas: (1) Standard Security Life Insurance Company of New York; (2) Viventium Software, Inc.; and (3) Rodney Trahan. Docs. 318, 323. During the pre-motion conference, the Court granted Plaintiffs leave to submit by December 17, 2021 a proposed order to show cause to hold these three deponents in contempt of Court.

On December 9, Plaintiffs moved for leave to add the following two deponents to the proposed order to show cause to hold them in contempt of Court for failure to appear at their depositions: (1) Pedro Montero and (2) John Littlejohn. Doc. 331. On December 10, the Court ordered Montero and Littlejohn to comply with Plaintiffs' subpoenas to take their depositions, and directed counsel of Plaintiffs to provide Montero and Littlejohn with a copy of this Order.

Doc. 332. However, the Court did not grant Plaintiffs' request for leave to add these two deponents to their proposed order to show cause. *Id.*

On December 17, Plaintiffs filed a proposed order to show cause without emergency relief and a supporting affirmation to hold the following five deponents in contempt of Court:

(1) Standard Security Life Insurance Company of New York; (2) Dan Neuburger on behalf of Viventium Software, Inc.; (3) Trahan; (4) Littlejohn; and (5) Montero. Docs. 333, 334.

Accordingly, Plaintiffs' proposed order to show cause is DENIED without prejudice. Plaintiffs are directed to re-file a proposed order to show cause excluding Montero and Littlejohn.

Plaintiffs are further directed to serve newly issued subpoenas as well as the Court's Order for compliance with Plaintiffs' subpoenas (Doc. 332) on Montero and Littlejohn.

It is SO ORDERED.

Dated: December 20, 2021
New York, New York



Edgardo Ramos, U.S.D.J.