

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SGM HOLDINGS LLC, RICHARD FEATHERLY,
LAWRENCE FIELD, PREMIER NATURAL RESOURCES
LLC, and SYNDICATED GEO MANAGEMENT
CORPORATION,

Plaintiffs,

-v-

A JAMES ANDREWS, RICHARD GAINES, and KARL
SCHLEDWITZ,

Defendants.

CIVIL ACTION NO.: 15 Civ. 8142 (PAC) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

On June 3, 2022, the Court held a nearly hour-long discovery conference with the parties (the “Conference”) to discuss Plaintiffs’ request (ECF No. 74) for an order compelling Defendants to provide a “detailed” log of the emails and documents that Defendants withheld as privileged (the “Materials”). (ECF min. entry June 3, 2022). Following the Conference, the Court directed Defendants to review the Materials (the “Review”) and, by June 10, 2022, to advise the Court and Plaintiffs of the number of Materials falling under each of the following categories: (i) communications sent to or received by Defendant Karl Schledwitz; (ii) communications containing or referencing comments made by Mr. Schledwitz regarding any documents filed in the matter DNV Inv. P’ship v. Regent Priv. Cap., LLC, No. 15 Civ. 1255 (PAC) (SLC); and (iii) communications concerning the March 18, 2015 Letter (see ECF No. 63-4 at 2–3). (ECF No. 82 at 1 (the “June 3 Order”). Plaintiffs did not object to the terms of the June 3 Order, either at the Conference or within the fourteen-day period to file written objections. See Fed. R. Civ. P. 72(a).

On June 10, 2022, Defendants filed their response to the June 3 Order, indicating that the Review yielded 76 emails, and attaching a privilege log for those emails (the “Privilege Log”). (ECF Nos. 83; 83-1; 83-2). On June 14, 2022, the Court directed (i) Plaintiffs to file a letter (the “Letter”) “identifying any documents on the Privilege Log as to which Plaintiffs challenge the asserted justification for non-disclosure and explaining the basis of their challenge” and (ii) Defendants to “file a response to the Letter” and to “email to Chambers [] copies of the challenged documents for the Court’s in camera review.” (ECF No. 84 at 1 (emphasis added)).

On June 24, 2022, Plaintiffs filed the Letter, seeking production of “all documents from February 20, 2015 through October 15, 2015” and “the 52 emails [on the Privilege Log] dated after October 15, 2015” (the “Challenged Documents”). (ECF No. 85 at 2–3 (capitalization and emphasis omitted)). In the Letter, Plaintiffs also ask the Court to direct Defendants to review the Materials for communications concerning two additional letters, dated July 14, 2015 and October 20, 2015. (Id. at 2).

On July 1, 2022, Defendants filed their response to the Letter. (ECF No. 86). Defendants did not, however, email copies of the Challenged Documents to the Court.

Accordingly, the Court orders as follows:

1. Plaintiffs’ request for an order directing Defendants to review the Materials for communications concerning the July 14, 2015 and October 20, 2015 letters is DENIED. Despite having the opportunity to raise these letters at the Conference or in the two weeks after the Court issued the June 3 Order, Plaintiffs failed to do so. See Favors v. Cuomo, No. 11 Civ. 5632 (DLI) (RR) (GEL), 2013 WL 12358269, at *4 (E.D.N.Y. Aug. 27, 2013) (denying party’s request to produce documents where the party made “no

attempt to show ‘good cause’ for failing to timely raise, within the period specified in the Court’s [] Order, its objection to discovery” of the documents); David v. Weinstein Co. LLC, No. 18 Civ. 5414 (RA), 2020 WL 4042773, at *4 (S.D.N.Y. July 17, 2020) (noting that “the Second Circuit and courts within this Circuit have routinely held that failure to file objections to a magistrate judge’s order in a timely manner operates as a waiver of such objections”) (citing O’Neal v. Spota, 744 F. App’x 35, 37 (2d Cir. 2018)).

2. By **July 6, 2022**, Defendants shall email the Challenged Documents (i.e., Privilege Log entry nos. 20–76) to Chambers (Cave_NYSDChambers@nysd.uscourts.gov) for the Court’s in camera review.

Dated: New York, New York
July 5, 2022

SO ORDERED.



SARAH L. CAVE
United States Magistrate Judge