

STUART H. FINKELSTEIN

Attorney at Law

338 Jericho Turnpike
Syosset, New York 11791
(718) 261-4900

January 6th, 2021

Plaintiff's pre-motion letter is construed as a motion to compel discovery and such motion is **DENIED** as premature without prejudice to renewal. Pursuant to the Civil Case Management Plan and Scheduling Order ("CMP") (Dkt. No. 75), the deadline for the completion of fact discovery is March 30, 2021, and the deadline for the completion of all expert discovery is May 14, 2021.

By **January 15, 2021**, the parties shall meet and confer to set deadlines for 8(b) through 8(f) of the CMP, and shall jointly file a letter apprising the court of the results of the parties' discussions.

Dated: January 7, 2021
New York, New York

Re: Antolini vs. Rosenblum, et al
Case No.: 19-cv-06264 LGS

Dear Judge Schofield,

In accordance with your Individual Practices, Section III.C.3 and Local Rule 37.0, I write seeking a telephonic conference with Chambers to file Plaintiff's Motion to Strike Defendants Pleadings pursuant to Rule 37 of the Federal Rules of Civil Procedure.

Defendant Village Realty LLC was served with five separate and distinct requests, 1) Plaintiff's First Request for Production of Documents pursuant to Rule 34 of the Federal Rules of Civil Procedure; 2) Plaintiff's Notice of Service of Fact and Expert Witness Interrogatories; 3) Plaintiff's First Set of Interrogatories; 4) Plaintiff's Request, pursuant to Rule 26(a)(2) for Production and Rule 34 Notice for Inspection.

To date, they have failed to comply, in toto, by not responding at all. There was never any stay issued by your Honor thereby obviating any excuse that might be offered by defendant for blatantly failing to comply with your Order.

The Plaintiff's Requests go to the very heart of this lawsuit contained in their Answer and their affirmative defenses pled. I have called counsel numerous times and have not heard back from them.

Your Honor, we seek to file a Motion to strike Defendants' Answer in light of this inexplicable behavior.

Thanking you, I remain,

Very truly yours,
Stuart H. Finkelstein

SHF/tc

To all counsel of record via ECF