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February 11, 2021

VIA ECF

Hon. Naomi Reice Buchwald
U.S. District Court Judge
U.S. District Court, Southern District of N.Y.
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *Margaret Betts v. Sixty Lower East Side, LLC, Sixty
Hotels, LLC and Sixty Hotel Manager, LLC*
Civil Action No.: 1:20-cv-04772 (NRB)
File No.: H-14394

Dear Hon. Buchwald:

As your Honor is aware, we represent the Defendants with respect to the above-referenced matter. This letter is to respectfully request to quash the subpoena of Edward Maynard.

As this Court is aware, the Plaintiff, as the party issuing the subpoena, must demonstrate that the information sought is relevant and material to the allegations and claims at issue in the proceeding. *Shaw v. Arena*, No. 17 Misc. 448, 2018 WL 324896, at *1 (S.D.N.Y. Jan. 3, 2018). Plaintiff has already deposed: William Grother, the current Vice President of Finance; Felecia Stuart, the former Guest Services Manager; Nicholas Riley, the former General Manager; Samara Fares, a former employee; Ben Edwards, a former concierge; and Jennifer Villanueva, the former Area General Manager. These individuals provided the Plaintiff with details surrounding the alleged incident to the best of their knowledge. Plaintiff has been offered an opportunity to depose both former and current employees in a variety of departments and positions.

Plaintiff also deposed Christopher Horn, the former Vice President of Operations, who worked directly under Mr. Maynard. Mr. Horn indicated given his position and seniority, he did not have direct knowledge of the incident. If as Vice President, Mr. Horn was not privy to such



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information his superior, Edward Maynard, the former President of Operations, would likely not possess an additional relevant information. Therefore, the Plaintiff has no reason to believe a deposition of Mr. Maynard would provide him further information.

The Plaintiff has failed to provide any evidence that the information sought from Mr. Maynard is relevant or material to the allegations. In the prior seven depositions, the Plaintiff has already divulged all relevant information and a deposition of Mr. Maynard would simply be repetitive and inconsequential.

In addition, the Defendants request this subpoena be quashed for it failed to allow a reasonable time to comply. As this Court is aware, under Rule 45(d)(3)(i) of the Federal Rules of Civil Procedure the court for the district where compliance is required must quash or modify a subpoena that fails to allow a reasonable time to comply. Although this Rule does not define a "reasonable time", courts in the Southern District have found fourteen days to be presumptively reasonable, whereas notice of a week or less has generally been considered unreasonable. *Angelo, Gordon & Co., L.P. v. MTE Holdings, LLC*, No. 20 MISC. 23, 2020 WL 4700910, at *2 (S.D.N.Y. Aug. 13, 2020). Plaintiff issued a Notice of Deposition on February 5, 2021 for a deposition to be held on February 12, 2021. Therefore, based on previous decisions of this Court, Plaintiff's timeframe fails to meet the threshold of a reasonable time.

For the foregoing reasons, the undersigned respectfully requests that the Court quash the Plaintiff's subpoena for Edward Maynard. Thank you for your consideration and understanding.

Very truly yours,

SOBEL PEVZNER, LLC

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CS:lm1

Attachment: *Notice of Subpoena to Edward Maynard*

cc: Renato Mariotti, Esq. (Via ECF)
Holly H. Campell, Esq. (Via ECF)

Application denied. The parties are directed to confer and agree upon a mutually convenient date for Mr. Maynard's deposition.

SO ORDERED


NAOMI REICE BUCHWALD

UNITED STATES DISTRICT JUDGE
Dated: New York, New York
February 16, 2021