

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOSEPH PIACENTILE, M.D., J.D.,	:	
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Plaintiff,	:	20-CV-5252 (JMF)
	:	
-v-	:	<u>MEMORANDUM OPINION</u>
	:	<u>AND ORDER</u>
JEREMY TROXEL, ESQ. et al.,	:	
	:	
Defendants.	:	
	:	
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JESSE M. FURMAN, United States District Judge:

On November 20, 2020, Defendants moved to compel arbitration. See ECF No. 20. One week later, Plaintiff filed a letter motion seeking “discovery in aid of arbitration or to preserve the status quo while the Court decides the proper forum.” ECF No. 26, at 1. Upon review of gth parties’ submissions, the Court concludes that there is no merit to Plaintiff’s letter motion, which fails to explain how the discovery is anything other than run-of-the-mill discovery in connection with Plaintiff’s contract-based claims and why immediate discovery is necessary to preserve the status quo. To the extent that this Court is the proper forum, therefore, Plaintiff fails to make the showing of “good cause” required for expedited discovery. *Digital Sin, Inc. v. Does 1-27*, No. 12-CV-3873 (JMF), 2012 WL 2036035, at \*3 (S.D.N.Y. June 6, 2012) (citing cases). And to the extent that arbitration is the proper forum, he fails to demonstrate the “extraordinary circumstances” required for discovery in aid of arbitration. *McIntire v. China MediaExpress Holdings, Inc.*, 252 F. Supp. 3d 328, 330-31 (S.D.N.Y. 2017) (citing cases).

Accordingly, Plaintiff’s letter motion for discovery (or for a pre-motion discovery conference) is **DENIED**. That said, the Court will hold a telephone conference on **December 8**,


**2020, at 3:00 p.m.**, to address whether there is a need for further briefing on Defendants' motion to compel arbitration or whether that motion can and should be granted immediately as unopposed. Plaintiff's letter motion strongly suggests that he agrees the instant dispute is subject to arbitration. If so, it would be in all parties' interests to avoid the expense and delay involved in further briefing and motion practice and to proceed forthwith to arbitration (where, among other things, Plaintiff could promptly seek the discovery he purportedly needs). Counsel shall confer on these issues in advance of the conference. If there is agreement in advance of the conference that the Court should grant the motion as unopposed, counsel may submit a joint letter or stipulation to that effect and there would be no need for the conference.

To access the conference, counsel should call **888-363-4749** and use access code **5421540#**. Members of the press and public may call the same number, but will not be permitted to speak during the conference. The parties are reminded to follow the procedures for teleconferences described in the Court's Emergency Individual Rules and Practices in Light of COVID-19, which are available at <https://nysd.uscourts.gov/hon-jesse-m-furman>. Among other things, those procedures require counsel to provide advance notice of who will participate in the conference and the telephone numbers they will use to participate.

The Clerk of Court is directed to terminate ECF No. 26.

SO ORDERED.

Dated: December 2, 2020  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge