



THE ALBER FIRM
P.C.

21 Walt Whitman Road – 2nd Floor
Huntington Station, New York 11746

Telephone: (631) 333-1600

E-Mail: info@alberlegal.com

VIA ECF ONLY

Hon. Valerie E. Caproni
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

The application to quash Plaintiff's subpoenas, which falls within the scope of the reference to me, is DENIED. Defendant has provided no authority for the proposition that the possibility that Plaintiff will be proceeding *pro se* at some future date requires that subpoenas previously issued by Plaintiff's attorney be quashed. Nor am I aware of any such authority.

Plaintiff's emails to the Court, on which Defendant's counsel was copied, were docketed at ECF 132. The Clerk of Court is respectfully requested to terminate ECF 133. SO ORDERED

SO ORDERED

ROBYN F. TARNOFSKY

UNITED STATES MAGISTRATE JUDGE

Re: *Viral Bhagat v. Anuja Sharad Shah Case No. 1:24-cv-01424-VEC, Southern District of New York;*

Dear Honorable Valerie E. Caproni

Defendant writes to request that all outstanding subpoenas issued by plaintiff's counsel be immediately quashed based upon the appearance by the plaintiff as *a pro se* litigant.

As the court is aware, last Friday evening the plaintiff submitted a consent to change attorney form, essentially indicating that plaintiff would be proceeding *pro se*. Subsequently, the plaintiff acted as his own attorney and in fact, had an *ex parte* communication with the Magistrate Judge. The Magistrate Judge, at a conference held earlier today, although concerned with the actions taken by Plaintiff, indicated to all parties that this communication was not opened by the court but was simply sent to the *pro se* clerk.

Pro se litigants may not issue subpoenas and attorneys who issue subpoena have a continuing obligation regarding those subpoenas. Here the attorney abdicated his role as attorney while these subpoenas were outstanding, and therefore the subpoenas should be quashed.



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Thank you for your prompt attention to this urgent matter.

Sincerely,

Respectfully submitted,

s/Lawrence Katz

Lawrence Katz

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Huntington Station, NY 11746

lak@alberlegal.com

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