

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL BUxBAUM,

Plaintiff,

- against -

ROBERT C. GOTTLEIB & ASSOCIATES
PLLC,

Defendant.

USDC SDNY
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25-CV-0509 (JGK) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

Plaintiff commenced this action on January 15, 2025. On February 19, 2025, Plaintiff requested to file an Amended Complaint. (Dkt. 7.) The Amended Complaint was docketed on February 20, 2025. (Dkt. 12.) Also on February 20, 2025, Plaintiff filed a motion for an order “suspending the license” of the defendant. (Dkt. 8.) On February 25, 2025, Plaintiff filed another request to file “the Amended Complaint,” but did not enclose a proposed amended pleading or provide any indication of the substance of any further proposed amendment. (Dkt. 13.) The same day, Plaintiff filed a letter requesting docketing of “the motion for summary judgment,” which was not accompanied by briefing or any statement of undisputed material facts. (Dkt. 14.) On February 27, 2025, Defendant filed a brief and declaration in opposition to Plaintiff’s motion to suspend Defendant’s law license, essentially arguing for dismissal for lack of standing and failure to state a claim. (Dkts. 16-17.) On February 28, 2025, Plaintiff filed another letter request

to file “the Amended Complaint” and, in addition, for issuance of a Rule 45 Subpoena to the Defendant. (Dkts. 19, 21.)

Plaintiff’s Amended Complaint docketed on February 20, 2025, is accepted as an amendment as of right. See Fed. R. Civ. P. 15(1)(B). Plaintiff’s two subsequent motions to amend are denied without prejudice as the motions did not include a proposed amended pleading, a comparison document showing the proposed changes, or any description of the substance of proposed changes.

To the extent Plaintiff’s letter requesting docketing of his motion for summary judgment is meant as a request for leave to file a motion for summary judgment, the request is denied without prejudice as premature. Discovery has not even commenced, and Plaintiff has not offered any basis to warrant a summary judgment motion at this juncture.

Plaintiff’s request for issuance of a subpoena is denied without prejudice because discovery has not commenced and will not commence at least until the parties have had their Rule 26(f) conference. See Fed. R. Civ. P. 26(d)(1). Moreover, one party may request discovery of another without a subpoena, provided they adhere to the Federal Rules of Civil Procedure for doing so.

Plaintiff’s motion to suspend license, and Defendant’s response seeking dismissal, will be addressed in due course separately from this order.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: March 6, 2025
New York, New York

Copies transmitted this date to all counsel of record. The Clerk of Court is directed to mail a copy of this order to the Plaintiff and note service on the docket.