

**Namco Bandai Partners SAS v Yoostar
Entertainment Group, Inc.**

2014 NY Slip Op 30247(U)

January 23, 2014

Supreme Court, New York County

Docket Number: 651269/2012

Judge: Shlomo S. Hagler

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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: Shlomo Hagler, J.S.C. Justice

PART 17

Index Number : 651269/2012
NAMCO BANDAI PARTNERS SAS
vs.
YOOSTAR ENTERTAINMENT GROUP,
SEQUENCE NUMBER : 002
COMPEL DISCLOSURE

INDEX NO.
MOTION DATE
MOTION SEQ. NO.

The following papers, numbered 1 to 4, were read on this motion by defendant to compel.
Notice of Motion/Affirmation of Counsel - Exhibits 1 through 12 No(s) 1, 2, 3
Answering Affidavits - Exhibits Plaintiff's Second Supplemental No(s)
Repeating Affidavits Responses & Objections No(s) 4

Upon the foregoing papers, it is ordered that this motion is granted to the extent set forth in part to the extent set forth in the attached separate written Decision & Order.

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):

Dated: 1/23/14

Shlomo Hagler, J.S.C.

- 1. CHECK ONE: CASE DISPOSED, NON-FINAL DISPOSITION
2. CHECK AS APPROPRIATE: MOTION IS: GRANTED, DENIED, GRANTED IN PART, OTHER
3. CHECK IF APPROPRIATE: SETTLE ORDER, SUBMIT ORDER, DO NOT POST, FIDUCIARY APPOINTMENT, REFERENCE

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: Part 17**

-----X

NAMCO BANDAI PARTNERS SAS,

Plaintiff,

- against -

YOOSTAR ENTERTAINMENT GROUP, INC.,

Defendant.

-----X

Index No.: 651269/2012

Motion Sequence No. 002

DECISION & ORDER

HON. SHLOMO S. HAGLER, J.S.C.

Defendant Yoostar Entertainment Group, Inc. (“Yoostar” or “defendant”) moved to compel plaintiff to provide discovery, staying the plaintiff’s deposition of defendant’s witness(es) and extending the time for defendant to conduct the deposition of plaintiff’s witness(es) until such discovery is provided. Plaintiff Namco Bandai Partners SAS (“Namco” or “plaintiff”) has responded by serving a Second Supplemental Responses and Objections to Defendant’s First Set of Interrogatories and Document Demands. After reviewing defendant’s motion and plaintiff’s responses and objections and the parties conferencing this matter with a court attorney, it is hereby

ORDERED that plaintiff’s Second Supplemental Response responded to defendant’s Interrogatory No. 3, and it is further

ORDERED that plaintiff’s Second Supplemental Response responded to defendant’s Interrogatory No. 4, and it is further

ORDERED that, regarding defendant’s Interrogatory No. 6, plaintiff shall inform defendant’s counsel of the cost of providing the documents containing the requested information within fifteen (15) business days from the date of entry of this Order, defendant shall provide the payment within ten (10) business days of being informed of such cost, and plaintiff shall provide the requested

information or documents within ten (10) business days of defendant's payment being made. If defendant does not make the required payment for the costs of providing the documents containing the requested information within ten (10) business days of being informed of such cost, then this Interrogatory shall be deemed abandoned by defendant. If plaintiff does not have the requested information or documents, plaintiff shall provide an affidavit from a person with personal knowledge so stating within fifteen (15) business days from the date of entry of this Order and shall be precluded from using such information or documents during the remainder of this action.

ORDERED that plaintiff's Second Supplemental Response responded to defendant's Interrogatory No. 7, and it is further

ORDERED that, regarding defendant's Interrogatory No. 8, plaintiff shall inform defendant's counsel of the cost of providing the documents containing the requested information within fifteen (15) business days from the date of entry of this Order, defendant shall provide the payment within ten (10) business days of being informed of such cost, and plaintiff shall provide the requested information or documents within ten (10) business days of defendant's payment being made. If defendant does not make the required payment for the costs of providing the documents containing the requested information within ten (10) business days of being informed of such cost, then this Interrogatory shall be deemed abandoned by defendant. If plaintiff does not have the requested information or documents, plaintiff shall provide an affidavit from a person with personal knowledge so stating within fifteen (15) business days from the date of entry of this Order and shall be precluded from using such information or documents during the remainder of this action.

ORDERED that plaintiff's Second Supplemental Response responded to defendant's Interrogatory No. 9, and it is further

ORDERED that, regarding defendant's Demand No. 3, plaintiff shall inform defendant's counsel of the cost of providing the documents containing the requested information within fifteen (15) business days from the date of entry of this Order, defendant shall provide the payment within ten (10) business days of being informed of such cost, and plaintiff shall provide the requested information or documents within ten (10) business days of defendant's payment being made. If defendant does not make the required payment for the costs of providing the documents containing the requested information within ten (10) business days of being informed of such cost, then this Demand shall be deemed abandoned by defendant. If plaintiff does not have the requested information or documents, plaintiff shall provide an affidavit from a person with personal knowledge so stating within fifteen (15) business days from the date of entry of this Order and shall be precluded from using such information or documents during the remainder of this action.

ORDERED that plaintiff's Second Supplemental Response responded to defendant's Demand No. 3, and it is further

ORDERED that plaintiff's Second Supplemental Response responded to defendant's Demand No. 4, and it is further

ORDERED that plaintiff's Second Supplemental Response responded to defendant's Demand No. 6, and it is further

ORDERED that plaintiff's Second Supplemental Response responded to defendant's Demand No. 7, and it is further

ORDERED that plaintiff's Second Supplemental Response responded to defendant's Demand No. 8, and it is further

ORDERED that plaintiff's Second Supplemental Response responded to defendant's Demand No. 11, and it is further

ORDERED that, regarding defendant's Demand No. 12, where plaintiff has stated that it does not have any responsive documents to this Demand, plaintiff shall provide an affidavit from a person with personal knowledge stating that plaintiff has no such responsive documents within fifteen (15) business days from the date of entry of this Order and shall be precluded from using such information or documents during the remainder of this action. However, if plaintiff if plaintiff discovers that it does possess the documents demanded, plaintiff shall provide the requested documents within fifteen (15) business days of entry of this Order, and it is further

ORDERED that plaintiff's Second Supplemental Response responded to defendant's Demand No. 13, and it is further

ORDERED that plaintiff's Second Supplemental Response responded to defendant's Demand No. 14, and it is further

ORDERED that all depositions shall be scheduled within sixty (60) calendar days after all of the information and/or documents have been provided.

ORDERED that, after reviewing the information and/or documents provided by the plaintiff, defendant still alleges that the plaintiff's responses are not responsive, defendant shall not file another motion or Order to Show Cause but is directed to call chambers to request a further conference with the Court, and it is further

ORDERED that a compliance conference is scheduled for March 25, 2014 at 2:30 p.m., and it is further

ORDERED that the Note of Issue date is extended to May 30, 2014.

The foregoing constitutes the decision and order of this Court.

ENTER:

Dated: January 23, 2014
New York, New York



Hon. Shlomo S. Hagler, J.S.C.

Shlomo Hagler
J.S.C.