

<b>Blackman v Wosler Holdings, Inc.</b>
2021 NY Slip Op 31517(U)
May 4, 2021
Supreme Court, New York County
Docket Number: 653015/2020
Judge: Louis L. Nock
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This opinion is uncorrected and not selected for official publication.



In view of the foregoing procedural posture, plaintiff's counsel acknowledged today that plaintiff was withdrawing its motion for a default judgment. Consequently, that motion is denied as withdrawn.

Motion Seq. No. 002:

This motion seeks an order compelling defendant to respond to Plaintiff's Request for Production of Documents (NYSCEF Doc. No. 22), which was served as far back as October 27, 2020. This motion also seeks an order compelling defendant to produce defendant's CEO – David H. Berman – for deposition per plaintiff's Notice of Deposition (NYSCEF Doc. No. 23), which was also served as far back as October 27, 2020. No opposition has been filed, and, per the report of defendant's counsel at today's conference, no compliance has been had with said disclosure devices.

Accordingly, this motion is granted as detailed in the decretal paragraphs hereinbelow.

Motion Seq. No. 003:

Defendant's counsel – Siegel & Reiner LLP (130 East 59<sup>th</sup> Street, New York, New York) – moves to be relieved as counsel for the defendant in this action. All attendees at today's conference were polled by the court, and none oppose this motion. Accordingly, the motion is granted as detailed in the decretal paragraphs hereinbelow.

ACCORDINGLY, it is

ORDERED that plaintiff's motion for a default judgment (seq. no. 001) is denied; and it is further

ORDERED that plaintiff's motion for an order to compel (seq. no. 002) is granted; and, accordingly, it is

ORDERED that defendant shall respond to Plaintiff's Request for Production of Documents (NYSCEF Doc. No. 22) no later than July 6, 2021, at the risk of preclusion at trial with regard to any evidence related to the requested documents; and it is further

ORDERED that defendant shall, no later than July 6, 2021, coordinate with plaintiff's counsel regarding a date and time for the deposition of defendant's CEO – David H. Berman – at the risk of preclusion of said witness as a witness at trial; and it is further

ORDERED that the motion by defendant's counsel – Siegel & Reiner LLP (130 East 59<sup>th</sup> Street, New York, New York) – to withdraw as counsel for the defendant in this action (seq. no. 003) is granted; and, accordingly, it is

ORDERED that, except for any of the foregoing matters set forth in these decretal paragraphs, this action is stayed as to any other proceedings until June 11, 2021, in order to allow defendant an opportunity to retain new counsel and to file a notice of appearance and to email a copy of said notice of appearance to the Clerk of this Part (SFC-Part38-Clerk@nycourts.gov); and it is further

ORDERED that a compliance conference will be held by videoconferencing to be arranged by the court for July 21, 2021, at 10:30 a.m., at which time defendant's newly retained counsel will be expected to be in attendance at the risk of an order striking the answer and dismissing counterclaim; and it is further

ORDERED that outgoing counsel – Siegel & Reiner LLP (130 East 59<sup>th</sup> Street, New York, New York) – shall explain the provisions of this order to defendant.

This will constitute the decision and order of the court.

ENTER:

*Louis L. Nock*

<u>5/4/2021</u>			<u>LOUIS L. NOCK, J.S.C.</u>	
<b>DATE</b>				
CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION
	<input type="checkbox"/>	GRANTED	<input type="checkbox"/>	GRANTED IN PART
	<input type="checkbox"/>		<input type="checkbox"/>	OTHER
APPLICATION:	<input type="checkbox"/>	DENIED	<input type="checkbox"/>	
	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	SUBMIT ORDER
CHECK IF APPROPRIATE:	<input type="checkbox"/>		<input type="checkbox"/>	FIDUCIARY APPOINTMENT
	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	REFERENCE