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May 3, 2017

Joseph L. Francoeur, Esq.
Wilson Elser Moskowitz Edelman & Dicker LLP
150 East 42nd Street #23
New York, N.Y. 10017

***Hollander v. Bolger et al.*, 1:16-cv-09800, Discovery Request**

Dear Mr. Francoeur:

In your January 31, 2017, letter to Judge Vernon S. Broderick, you requested a "stay of discovery pending the pre-motion conference." (Francoeur letter at C. p. 3, Dkt. No. 14). The pre-motion conference was canceled, so any argument that the stay was granted or applies is fatuous.

Since there is no stay on discovery and since the First Amended Complaint at ¶¶ 21 & 23 alleges that your clients copied, downloaded or otherwise reproduced without my permission documents on my iCloud other than the attorney work product (First Amend. Compl. Ex. 4, Dkt. No. 18, Attachment 4)—this letter is a discovery request pursuant to Fed. R. Civ. P. 26(d)(1) for copies of all those documents. Clearly your clients' original reproduction of those documents without authorization is evidence reasonably calculated to support my allegations of copyright infringement.

Of course, if your clients only reproduced or had someone reproduce or are aware of only a reproduction of the attorney client work product from my iCloud, then this discovery demand is unnecessary. Affidavits from both of them should be sufficient to make this request superfluous. However, absent such affidavits, this discovery request stands.

If you decline to agree to such a request, then we have a discovery dispute. Under Judge Broderick's rules for civil practice at paragraph three (3), we need to submit a joint letter to the judge setting out the dispute and our respective positions within 72 hours of your receipt of this discovery request.

Thank you for your time.

Sincerely,
/s/ Roy Den Hollander

Roy Den Hollander

WILSON ELSER

WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP

May 8, 2017

Joseph L. Francoeur
212.915.5638 (Direct)
Joseph.Francoeur@wilsonelser.com

Via email

Roy Den Hollander, Esq.
545 East 14th Street, 10D
New York, New York 10009
roy17den@gmail.com

RE: *Roy Den Hollander v. Katherine M. Bolger, Matthew L. Schafer, Jane Doe(s)*
C.A. No. : 1:16-cv-09800
Our File No.: 16664.00002

Dear Mr. Den Hollander,

We are writing in response to your May 3, 2017 letter, received by our office the afternoon of May 5, 2017.[1] We disagree with the contentions set forth in your letter.

As an initial matter, your letter does not constitute a proper discovery demand. As you know, Fed. R. Civ. P. 26(d)(1) states that "[a] party may not seek discovery from any source before the parties have conferred as required by Rule 26(f) . . . ." Here, no 26(f) conference has occurred. Therefore, Fed. R. Civ. P. 26(d)(1) specifically prohibits you from seeking any discovery from Defendants at this time. Further, your purported discovery demand is not in compliance with Fed. R. Civ. P. 34(b)(1)(B), which requires the request to set forth "a reasonable time, place, and manner for the inspection."

More to the point, even if your request was proper (and, clearly, it is not), we would be under no obligation to respond because discovery in this matter is stayed by virtue of Judge

[1] Contrary to your representations, we are under no obligation to respond to your letter within "72 hours." Under Fed. R. Civ. P. 34(b)(2)(A), "[t]he party to whom the request is directed must respond in writing within 30 days after being served." The individual practice to which you refer is not to the contrary, nor is your citation to Fed. R. Civ. P. 26(d)(1).

Broderick's orders granting our first and second letter motions. As you are aware, our first letter motion requested a stay of discovery pending the resolution of our motion to dismiss. As you are also aware, our supplemental letter motion, filed in response to your amended complaint, fully incorporated our first letter motion, including, of course, the request for a stay. In neither of your letter responses did you oppose the stay of discovery. Instead, you specifically represented to the Court that you did not oppose our letter motions. As a result, the Court granted them. Therefore, discovery is stayed pending resolution of our forthcoming motion to dismiss.

Finally, we note that Judge Broderick's rules require "[s]trict adherence" to Fed. R. Civ. P. 37(a)(1), which demands that any party, before seeking to compel discovery responses, act in "good faith" in attempting to resolve discovery disputes. Here, you failed to do so. You merely demand that we provide you with the requested discovery or submit to you our portion of the joint discovery dispute letter within 72 hours which, since you delivered the letter on a Friday, allowed this office less than one business day to respond. Your letter is simply not in conformity with the Federal Rules nor Judge Broderick's rules.

Should you wish to have a good faith discussion regarding these matters, please call me at my direct dial ((212) 915-5638) during normal business hours.

Sincerely,

WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP

Joseph L. Francoeur

ROY DEN HOLLANDER
Attorney at Law

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May 8, 2017

By ECF

Hon. Vernon S. Broderick
Courtroom 518
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Hollander v. Bolger et al. **1:16-cv-09800**
Plaintiff request for resolution of discovery dispute under Your Honor's Civil Practice ¶ 3

Dear Hon. Judge Broderick:

I am an attorney admitted to this Court and representing myself in the above captioned action.

This case alleges that defendants broke into my iCloud and stole an attorney work product document related to a prior case in the New York Supreme Court. *Hollander v. Shepherd et al*., Index No: 152656/2014. The First Amended Complaint also alleges that defendants copied, downloaded or reproduced most, if not all, of my iCloud. The iCloud contained privileged and confidential matters related to my law practice and personal life. It also contained materials that had been registered with the U.S. Copyright Office.

In accordance with Your Honor's Individual Rules & Practices in Civil Cases ¶ 3 and Fed. R. Civ. P. 26(d)(1), I requested early discovery from the defendants of all the materials other than the attorney work product that they copied, downloaded or otherwise reproduced from my iCloud.

Not knowing the extent of the materials and specific documents taken without my authorization puts me at a disadvantage in opposing defendants' motion to dismiss. Their motion brief is due May 15th, my opposition brief is due June 14th. All that is known now is that defendants took the attorney work product that they argue is a media release and therefore a public document. But what about the other attorney work products or client attorney communications from the other cases I worked on and were on my iCloud? Is the Court to assume all of those are media releases? Such is a ludicrous argument, but without early discovery, I am unable to show such.

In addition to the defendants copying my law practice records, they also must have reproduced numerous materials registered with the U.S. Copyright Office without my permission. Such violates the Copyright Act, which provides for statutory damages. 17 U.S.C. § 504(c). Since the attorney work product was obviously not registered with the Copyright Office, there cannot be any statutory damages for reproducing it. It is, therefore, incumbent on me to prove damages. But as far as the materials registered with the Copyright Office, all I need show in the way of damages is that they were registered.

Further, if as alleged in the First Amended Complaint ¶¶ 21 & 23, the defendants copied, downloaded or reproduced much of or the entire iCloud, that is millions of bytes of information. The sheer magnitude of their intentional efforts to amass so much information infers a malicious intent to destroy my law practice by releasing selective sections of confidential documents and spinning them in typical neo-McCarthyite-PC fashion. (First Amended Complaint ¶ 24).

Fed. R. Civ. P. 26(d)(1) allows for discovery prior to the Rule 26(f) conference when "by stipulation, or by court order." Defendants refused my request to stipulate (Exhibit A); therefore, I am requesting a court order.

The defendants' attorney, Joseph L. Francoeur, in his denial (Exhibit B) is clearly ducking the issue of the extent of his clients' thievery from my iCloud. It's as though burglars entered someone's house while he was on vacation skiing in the Alps. The police want to know what was taken and its value so as to charge the thieves with larceny or grand larceny. The victim can't tell them because he's in Switzerland. All that the burglars will admit to taking is a confidential letter.

The reason for my request for early discovery is simple. The full extent of defendants' nefarious activities, and therefore the harm they have caused and are in a position to cause are not fully known. Yet Francoeur argues this case should not be investigated further with discovery—the legal system should forget about it; thereby, granting his clients the right to keep everything they took without consent to use or sell as they wish.

True to form, Francoeur's opposition to early discovery prevaricates and dissembles procedural events:

First, Francoeur complains about having to work on a weekend. (Exhibit B, p. 2). Francoeur's firm received the request for an agreement on discovery at 10:35 am on Friday May 5th. (Exhibit C). Your Honor's rules require a response within 72 hours or "a party may submit a letter without the opposing party's contribution." Individual Rules & Practices in Civil Cases ¶ 3. Francoeur submitted his portion of a joint letter 76 hours after receipt. Under Fed. R. Civ. P. 6(a)(2), "When the period is stated in hours: (A) begin counting immediately on the occurrence of the event that triggers the period; (B) count every hour, including hours during intermediate Saturdays, Sundays, and legal holidays . . . ." So Francoeur's apparent refusal to work on a weekend caused him to miss the deadline—that is not my fault.

Second, Francoeur quotes from Fed. R. Civ. P. 26(d)(1) but—true to form—leaves out the part of parties agreeing to early discovery or the court ordering such.

Third, Francoeur claims my request for documents did not state a time and place for providing copies. It didn't request a time and place because it was a request that in the spirit of common courtesy we could work out mutually agreeable specifics—clearly not. If the Court orders early discovery, May 17th should provide sufficient time.

Fourth, Francoeur falsely claims this Court granted a stay in discovery that Francoeur requested in his pre-motion conference letter of January 31, 2017. (Francoeur letter at C. p. 3, Dkt. No. 14). Your Honor's Order stemming from Francoeur's letter requesting a pre-motion conference set a date for such. It did not grant Francoeur's requested stay.

> I am in receipt of Defendants' pre-motion letter, (Doc. 14), and Plaintiff's response thereto, (Doc. 16). The parties are directed to appear for a pre-motion conference regarding the anticipated motion on April 7, 2017 at 3:30 p.m. in Courtroom 518 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York.

Dkt. No. 17.

Before the scheduled pre-motion conference, I filed a First Amended Complaint under Fed. R. Civ. 15 (a)(1)(B), Francoeur responded with a second letter dated April 5th requesting leave to file a motion to dismiss the First Amended Complaint. To which Your Honor Ordered:

> I am in receipt of the parties' pre-motion letters and responses thereto. (Docs. 14-16, 20, 21.) In light of the fact that Plaintiff does not oppose Defendants' request for leave to file a motion to dismiss, (see Doc. 21), the April 7 pre-motion conference is hereby cancelled and Defendants are granted leave to file a motion to dismiss the amended complaint. The parties are directed to submit a joint letter on or before April 14, 2017 setting forth an agreed, proposed briefing schedule with respect to Defendants' motion.

Dkt. No. 22.

There is nothing in either of these decisions that grants the discovery stay Francoeur is deluding about. Francoeur also lies out right that I "specifically represented to the Court that [I] did not oppose [his] letter motions." Not so—I wrote:

> Francoeur's [April 5th] opposition to the First Amended Complaint simply prevaricates and dissembles its way to requesting that he be allowed to make a motion to dismiss. Plaintiff agrees, he should be allowed to make his motion to dismiss.

Agreeing that a party should be able to make a motion to dismiss under Fed. R. Civ. P. 12(b)(6) is not agreeing to a discovery stay.

Dated: May 8, 2017
New York, New York

Respectfully,
s/ Roy Den Hollander

Roy Den Hollander, Esq.
Plaintiff and Attorney
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WILSON ELSER

WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP

May 9, 2017

Joseph L. Francoeur
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Via email

Roy Den Hollander, Esq.
545 East 14th Street, 10D
New York, New York 10009
roy17den@gmail.com

RE: *Roy Den Hollander v. Katherine M. Bolger, Matthew L. Schafer, Jane Doe(s)*
C.A. No. : 1:16-cv-09800
Our File No.: 16664.00002

Dear Mr. Den Hollander,

We are writing to demand that you immediately withdraw your Letter Motion to the Court dated May 8, 2017 (Dkt. 27) ("Letter Motion"). Your Letter Motion is palpably improper and violates Judge Broderick's rules.

Putting aside the issue of the stay and the fact that your May 3, 2017 letter (Dkt. 27-1) did not constitute a proper discovery demand, your Letter Motion deliberately misrepresents to the Court our obligations under the both the Federal Rules and Judge Broderick's Rules. Fed. R. Civ. P. 34(b)(2)(A) grants a party 30 days to respond to a discovery demand for documents, and thus we were under no obligation to respond "within 72 hours" of receipt of your May 3, 2017 letter. Your letter improperly attempts to short-circuit the Federal Rules by unilaterally declaring the existence of a discovery dispute, particularly when no Rule 26(f) conference has yet occurred.

Further, to the extent that our May 8, 2017 response (Dkt. 27-2) was not to your liking, Fed. R. Civ. P. 37(a)(1) requires that you then conduct a good faith meet-and-confer prior to the filing any discovery motion. Indeed, Judge Broderick's Rules mandate "[s]trict adherence" to Fed. R. Civ. P. 37(a)(1). In that regard, our May 8, 2017 letter (Dkt. 27-2) explicitly invited you "to have a good faith discussion" with the undersigned regarding the matters that are the subject of your Letter Motion. In spite of that explicit invitation, you failed to call or otherwise contact our office.

According to Judge Broderick's Rules, upon receipt of our letter you were obligated to meet and confer, and then to draft for our consideration a proposed joint discovery dispute letter. *See* Judge Broderick's Individual Rule 3. We were entitled to review and comment on the letter, and the letter must be jointly submitted. In the event that we did not respond to your proposed joint letter motion to the Court within 72 hours, then only at that point you would be free to proceed by individual letter. However, because you failed to engage in a meet-and-confer, and failed to provide a proposed draft letter, your Letter Motion violates Judge Broderick's Individual Rule 3 and Fed. R. Civ. P. 37(a)(1).

We therefore demand that you immediately withdraw your Letter Motion. If you fail to do so, we reserve the right to seek all appropriate relief from the Court. If, after you have withdrawn your Letter Motion, you continue to seek discovery from my clients pursuant to your May 3, 2017 letter (Dkt. 27-1), then we invite you to conduct a meet-and-confer with the undersigned pursuant to Fed. R. Civ. P. 37(a)(1). If we are unable to come to a resolution of those matters following such a meet-and-confer, then we will work with you in good faith at that time to submit a joint letter to the Court pursuant to Judge Broderick's Rules.

Should you have any questions or concerns, please do not hesitate to contact the undersigned.

Sincerely,

WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP

Joseph L. Francoeur

ROY DEN HOLLANDER
Attorney at Law

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May 10, 2017

By ECF

Hon. Vernon S. Broderick
Courtroom 518
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

***Hollander v. Bolger et al.* 1:16-cv-09800**
Defense attorney Francoeur's coercion under N.Y. Penal Law § 135.60(5)

Dear Hon. Judge Broderick:

I am an attorney admitted to this Court and representing myself in the above captioned action.

In response to my raising the issue of an early discovery dispute under Your Honor's Individual Rules & Practices in Civil Cases ¶ 3 and Fed. R. Civ. P. 26(d)(1), (May 8, 2017, Letter Motion Dkt. 27), Defendants' attorney Joseph L. Francoeur sent me a threatening letter trying to coerce me into withdrawing that Letter Motion.

It's important to note that one of the key allegations in this case is that Defendants copied or download most and probably all of my iCloud. (First Amended Complaint ¶¶ 21 & 23). The iCloud contained privileged and confidential matters related to my law practice and personal life, which places Defendants, and now Francoeur, in a unique position of power over the survival of my law practice. All they need do in typical neo-McCarthyite-PC fashion is release selective information out of context with false or dissembling interpretations, and I'm back to driving a taxi. (First Amended Complaint ¶ 24).

Francoeur's threatening letter (Exhibit A) is logically read with the knowledge that Defendants and he have access to what was stolen from my iCloud. With that in mind plus the real world inference that winning is everything with most defense lawyers, makes Francoeur's words menacing, intimidating and bullying. His message is simple—unless I do what he says in this case, he will use the confidential information from my iCloud to depict me as a demon out of the TV show "Supernatural" to not only win this case but further harm my practice.

Francoeur wrote in part:

> "We are writing to demand that you immediately withdraw you Letter Motion to the Court dated May 8, 2017 (Dkt. 27) . . . . If you fail to do so, we reserve the right to seek all appropriate relief from the Court."

By using "we" in his letter, Francoeur is clearly referring to his clients who possess the information from my iCloud. His words clearly verbalize the threat that he and they are willing to use that information in this Court to make their prevaricating and dissembling smears public and hopefully win this case.

Francoeur and Defendants have essentially engaged in coercion in the second degree, N.Y. Penal Law § 135.60(5), by threatening to expose secrets or publicize asserted facts, whether true or false, tending to subject my business to hatred, contempt or ridicule—a class A misdemeanor.

I, therefore, request that Francoeur and Defendants be restrained from using the information from my iCloud for *ad hominem* attacks and irrelevant accusatory dissemblings in an effort to win through calumny rather than the merits.

Thank you for your time.

Dated: May 10, 2017
New York, New York

Respectfully,
s/ Roy Den Hollander

Roy Den Hollander, Esq.
Plaintiff and Attorney
545 East 14th Street, 10D
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May 11, 2017

Joseph L. Francoeur
212.915.5638 (Direct)
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Via ECF

Hon. Vernon S. Broderick
United States District Judge
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 415
New York, NY 10007

RE: *Roy Den Hollander v. Katherine M. Bolger, Matthew L. Schafer, Jane Doe(s)*
C.A. No. : 1:16-cv-09800
Our File No.: 16664.00002

Dear Judge Broderick,

As the Court is aware, we represent Defendants Katherine M. Bolger and Matthew L. Schafer ("Defendants") in the above-referenced action. We write this letter to the Court in opposition to Plaintiff's May 8, 2017 Letter Motion (Dkt. 27) and Plaintiff's May 10, 2017 letter to the Court (Dkt. 29).[1]

It is unclear precisely what relief Plaintiff is seeking. It is and has been Defendants' understanding that discovery has been stayed in this matter by virtue of the Court's Order dated April 6, 2017, which granted Defendants' letter motions. *See* Dkt. 22. Plaintiff never objected to our request for a stay, and eventually "agree[d]" that the Defendants should be allowed to move to dismiss, thereby resolving the dispute. *See* Dkt. 16, 21. Indeed, Plaintiff never even broached the topic of discovery until his May 3, 2017 letter. *See* Dkt. 27-1. Accordingly, we respectfully request that the Court stay discovery until Defendants' motion to dismiss is resolved.

Should the Court hold that discovery was not stayed by virtue of the Court's Order dated

[1] Defendants are cognizant of Your Honor's Rule that "separate and successive letters [pertaining to discovery disputes] will not be read." *See* J. Broderick Individual Rule 3. However, Defendants' attempts to resolve this matter with Plaintiff without Court intervention have proved unsuccessful, thus necessitating the instant letter. *See, e.g.*, Dkt. 27-2, 29-1.

April 6, 2017,[2] Plaintiff's purported discovery demand is wholly improper because it is violative of both the Federal Rules and Your Honor's Individual Rules. *See* Dkt. 27-2. Briefly, Fed. R. Civ. P. 26(d) states that "[a] party may not seek discovery from any source before the parties have conferred as required by Rule 26(f) . . . or when authorized by these rules, by stipulation, or by court order." It is undisputed that none of the events that would have permitted Plaintiff to properly seek discovery have occurred. Further, Plaintiff's purported discovery demand is not in compliance with Fed. R. Civ. P. 34(b)(1)(B) because it failed to set forth "a reasonable time, place, and manner for the inspection."

Plaintiff's purported discovery request was also improper because it did not grant Defendants 30 days to respond, as required by Fed. R. Civ. P. 34(b)(2)(A). In addition, Plaintiff has failed to conduct a meet-and-confer with Defendants pursuant to Fed. R. Civ. P. 37(a)(1). As the Court is of course aware, Your Honor's Individual Rules demand "[s]trict adherence to Fed. R. Civ. P. 37(a)(1)" prior to raising any discovery dispute with the Court. In that regard, the undersigned twice invited Plaintiff to meet-and-confer in an attempt to resolve his concerns in good faith. *See* Dkt. 27-2, 29-1. To date, Plaintiff has not responded to either invitation.

Finally, Defendants object to Plaintiff's claim that our May 8, 2017 constitutes "threatening" or otherwise improper conduct, and respectfully request that the Court deny Plaintiff whatever relief his May 10, 2017 letter may be construed as seeking. *See* Dkt. 29.

Should Your Honor have any questions or concerns, please do not hesitate to contact the undersigned. We thank Your Honor for your attention to this matter.

Respectfully submitted,

WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP

Joseph L. Francoeur

cc: *via ECF only*

Roy Den Hollander, Esq.
545 East 14th Street, 10D
New York, New York 10009
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[2] In that event, Defendants will move by separate letter motion for a stay.

WILSON ELSER
WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP

May 11, 2017

Joseph L. Francoeur
212.915.5638 (Direct)
Joseph.Francoeur@wilsonelser.com

Via ECF

Hon. Vernon S. Broderick
United States District Judge
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 415
New York, NY 10007

I am in receipt of the parties' letters regarding discovery, (Docs. 27-30). For the reasons set forth by Defendants, (Doc. 30), I find that a stay of discovery pending a decision on Defendants' motion to dismiss is reasonable. Accordingly, all discovery is hereby stayed until further court order.

SO ORDERED:
Vernon Broderick
HON. VERNON S. BRODERICK 5/16/2017
UNITED STATES DISTRICT JUDGE

RE: *Roy Den Hollander v. Katherine M*
C.A. No. : 1:16-cv-09800
Our File No.: 16664.00002

Dear Judge Broderick,

As the Court is aware, we represent Defendants Katherine M. Bolger and Matthew L. Schafer ("Defendants") in the above-referenced action. We write this letter to the Court in opposition to Plaintiff's May 8, 2017 Letter Motion (Dkt. 27) and Plaintiff's May 10, 2017 letter to the Court (Dkt. 29).[1]

It is unclear precisely what relief Plaintiff is seeking. It is and has been Defendants' understanding that discovery has been stayed in this matter by virtue of the Court's Order dated April 6, 2017, which granted Defendants' letter motions. *See* Dkt. 22. Plaintiff never objected to our request for a stay, and eventually "agree[d]" that the Defendants should be allowed to move to dismiss, thereby resolving the dispute. *See* Dkt. 16, 21. Indeed, Plaintiff never even broached the topic of discovery until his May 3, 2017 letter. *See* Dkt. 27-1. Accordingly, we respectfully request that the Court stay discovery until Defendants' motion to dismiss is resolved.

Should the Court hold that discovery was not stayed by virtue of the Court's Order dated

[1] Defendants are cognizant of Your Honor's Rule that "separate and successive letters [pertaining to discovery disputes] will not be read." *See* J. Broderick Individual Rule 3. However, Defendants' attempts to resolve this matter with Plaintiff without Court intervention have proved unsuccessful, thus necessitating the instant letter. *See, e.g.*, Dkt. 27-2, 29-1.

April 6, 2017,[2] Plaintiff's purported discovery demand is wholly improper because it is violative of both the Federal Rules and Your Honor's Individual Rules. *See* Dkt. 27-2. Briefly, Fed. R. Civ. P. 26(d) states that "[a] party may not seek discovery from any source before the parties have conferred as required by Rule 26(f) . . . or when authorized by these rules, by stipulation, or by court order." It is undisputed that none of the events that would have permitted Plaintiff to properly seek discovery have occurred. Further, Plaintiff's purported discovery demand is not in compliance with Fed. R. Civ. P. 34(b)(1)(B) because it failed to set forth "a reasonable time, place, and manner for the inspection."

Plaintiff's purported discovery request was also improper because it did not grant Defendants 30 days to respond, as required by Fed. R. Civ. P. 34(b)(2)(A). In addition, Plaintiff has failed to conduct a meet-and-confer with Defendants pursuant to Fed. R. Civ. P. 37(a)(1). As the Court is of course aware, Your Honor's Individual Rules demand "[s]trict adherence to Fed. R. Civ. P. 37(a)(1)" prior to raising any discovery dispute with the Court. In that regard, the undersigned twice invited Plaintiff to meet-and-confer in an attempt to resolve his concerns in good faith. *See* Dkt. 27-2, 29-1. To date, Plaintiff has not responded to either invitation.

Finally, Defendants object to Plaintiff's claim that our May 8, 2017 constitutes "threatening" or otherwise improper conduct, and respectfully request that the Court deny Plaintiff whatever relief his May 10, 2017 letter may be construed as seeking. *See* Dkt. 29.

Should Your Honor have any questions or concerns, please do not hesitate to contact the undersigned. We thank Your Honor for your attention to this matter.

Respectfully submitted,

WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP

Joseph L. Francoeur

cc: *via ECF only*

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[2] In that event, Defendants will move by separate letter motion for a stay.