

**Subject:** Re: vDiscovery contact - document processing company  
**Date:** Wednesday, January 17, 2018 at 8:37:31 PM Eastern Standard Time  
**From:** Anderson Duff  
**To:** Saul Roffe  
**CC:** John Di Giacomo, Eric Misterovich

Saul:

I have not issued a single ultimatum or threat. I am informing you *as a courtesy* that I am moving to compel production of the documents your predecessor led me to believe should have already been in my possession.

Have a good night.

Best,

-Anderson-

-Anderson-  
[anderson@revisionlegal.com](mailto:anderson@revisionlegal.com)  
212.996.4103

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**From:** Saul Roffe <[saulroffe@roffelaw.com](mailto:saulroffe@roffelaw.com)>  
**Reply-To:** Saul Roffe <[saulroffe@roffelaw.com](mailto:saulroffe@roffelaw.com)>  
**Date:** Wednesday, January 17, 2018 at 8:33 PM  
**To:** Anderson Duff <[anderson@revisionlegal.com](mailto:anderson@revisionlegal.com)>  
**Cc:** John Di Giacomo <[john@revisionlegal.com](mailto:john@revisionlegal.com)>, Eric Misterovich <[eric@revisionlegal.com](mailto:eric@revisionlegal.com)>  
**Subject:** Re: vDiscovery contact - document processing company

You can do what you want. I suggest you at least give me a chance to look into it. I will make it clear to the court that you have not given me a chance to do so. Again, I cannot speak for what David told you or didn't tell you. I can only speak for me. I will look into it. If David has them, I will get them, look at them and get them to you. If not, I will see what I can do to get them, if anything, because of my client's condition. I seriously doubt we are up against any discovery cut-off or that you are prejudiced by David's alleged delay. I know I have been in cases where there was production many months after the request, and even rolling production beginning six months after the request that went on for years. Let's calm down. I really recommend that, if you want to work amicably, you stop issuing ultimatums and threats. I do not respond well to such tactics.

On January 17, 2018 at 8:19 PM Anderson Duff <[anderson@revisionlegal.com](mailto:anderson@revisionlegal.com)> wrote:  
I am well aware of how devastating cancer and its treatments can be.

To preserve our client's rights, I will move to compel production of the documents I was told were nearly ready to be handed over more than a month ago. I realize you just inherited this case, but your client has repeatedly lied to the court. He has no credibility in my eyes.

-Anderson-

[anderson@revisionlegal.com](mailto:anderson@revisionlegal.com)<<mailto:anderson@revisionlegal.com>>

212.996.4103

From: Saul Roffe <[saulroffe@roffelaw.com](mailto:saulroffe@roffelaw.com)>

Reply-To: Saul Roffe <[saulroffe@roffelaw.com](mailto:saulroffe@roffelaw.com)>

Date: Wednesday, January 17, 2018 at 8:12 PM

To: Anderson Duff <[anderson@revisionlegal.com](mailto:anderson@revisionlegal.com)>

Cc: John Di Giacomo <[john@revisionlegal.com](mailto:john@revisionlegal.com)>, Eric Misterovich <[eric@revisionlegal.com](mailto:eric@revisionlegal.com)>

Subject: Re: vDiscovery contact - document processing company

Well, I am not a doctor, but I have heard that the various chemotherapy and radiation can take quite a bit out of you. I will not represent to you that the documents do or do not exist. I haven't had a chance to find out. If they exist, I will want to digest the complaint, the request and the documents to make sure they are appropriate for production. Then, I will respond. I have been in this case for an hour and you are asking me to make representations regarding discovery to you. I think you need to rethink your approach. I would like to work amicably with you, making demands this like this before I can even look into the issue does not help our relationship. I cannot speak for my prior counsel, so I don't know what he told you or did not tell you. I will represent that I will look into the matter. It will take a little time.

You are free to oppose the motion, and I will consider this my good faith effort to resolve the issue.

On January 17, 2018 at 7:10 PM Anderson Duff

<[anderson@revisionlegal.com](mailto:anderson@revisionlegal.com)<<mailto:anderson@revisionlegal.com>>> wrote:

Saul:

Thank you for your prompt response. I look forward to working with you. I have been trying to work with your new clients for some time.

More than one month ago, Defendants' prior counsel represented that they had documents from your clients in-hand and would produce them shortly. While we do not expect you to hit the ground running, your clients' former counsel should have produced the documents they promised well before this transition.

If you are in possession of responsive documents from your clients, please confirm that they will be produced shortly. If you have not received responsive documents from defendants' prior counsel, please confirm that such documents do not exist.

While I am sorry to hear about the diagnosis recited in your email below, I fail to see how it requires a six-month stay. We will oppose any motion to that effect.

Best,

-Anderson-

[anderson@revisionlegal.com](mailto:anderson@revisionlegal.com)<<mailto:anderson@revisionlegal.com>><<mailto:anderson@revisionlegal.com>>

212.996.4103

From: Saul Roffe <[saulroffe@roffelaw.com](mailto:saulroffe@roffelaw.com)<<mailto:saulroffe@roffelaw.com>>>

Reply-To: Saul Roffe <[saulroffe@roffelaw.com](mailto:saulroffe@roffelaw.com)<<mailto:saulroffe@roffelaw.com>>>

Date: Wednesday, January 17, 2018 at 6:42 PM

To: Anderson Duff <[anderson@revisionlegal.com](mailto:anderson@revisionlegal.com)<<mailto:anderson@revisionlegal.com>>>

Cc: John Di Giacomo <[john@revisionlegal.com](mailto:john@revisionlegal.com)<<mailto:john@revisionlegal.com>>>, Eric Misterovich <[eric@revisionlegal.com](mailto:eric@revisionlegal.com)<<mailto:eric@revisionlegal.com>>>

Subject: Re: FW: vDiscovery contact - document processing company

Not wasting any time are we? No idea, this is the first I have heard of this. I have not seen the file yet. In fact, I will be seeking court approval for a 6 month stay of the case because my client was just diagnosed with leukemia and, according to his doctor, cannot work with me on his defense for that period. I was going to reach out to you on this in the coming days.

On January 17, 2018 at 6:34 PM Anderson Duff

<[anderson@revisionlegal.com](mailto:anderson@revisionlegal.com)<<mailto:anderson@revisionlegal.com>>

<<mailto:anderson@revisionlegal.com>><<mailto:anderson@revisionlegal.com%3e>>> wrote:

Saul:

We see that you now represent Defendants in 17-cv-1889-RA in the SDNY. It has been roughly one and a half months since Defendants' counsel indicated that they had responsive documents in hand and would be producing them in the near future. When can we expect Defendants' document production?

Best,

-Anderson-

-Anderson-

[anderson@revisionlegal.com](mailto:anderson@revisionlegal.com)<<mailto:anderson@revisionlegal.com>><<mailto:anderson@revisionlegal.com>>  
<<mailto:anderson@revisionlegal.com><<mailto:anderson@revisionlegal.com%3e>>>  
[onlegal.com](mailto:anderson@revisionlegal.com)>>

212.996.4103

From: Anderson Duff <[anderson@revisionlegal.com](mailto:anderson@revisionlegal.com)<<mailto:anderson@revisionlegal.com>>

<<mailto:anderson@revisionlegal.com>><<mailto:anderson@revisionlegal.com%3e>>>

Date: Monday, January 15, 2018 at 4:02 PM

To: Justin Mercer <[justin@ilawco.com](mailto:justin@ilawco.com)<<mailto:justin@ilawco.com>><<mailto:justin@ilawco.com>>

<<mailto:justin@ilawco.com%3e>>>

Cc: Eric Misterovich <[eric@revisionlegal.com](mailto:eric@revisionlegal.com)<<mailto:eric@revisionlegal.com>>

<<mailto:eric@revisionlegal.com>><<mailto:eric@revisionlegal.com%3e>>>

Subject: Re: vDiscovery contact - document processing company

Justin:

When can we expect your client's document production?

Best,

-Anderson-

From: Justin Mercer <[justin@ilawco.com](mailto:justin@ilawco.com)<<mailto:justin@ilawco.com>><<mailto:justin@ilawco.com>>

<<mailto:justin@ilawco.com%3e>>>

Date: Friday, December 8, 2017 at 2:53 PM

To: "Anderson J. Duff" <[anderson@revisionlegal.com](mailto:anderson@revisionlegal.com)<<mailto:anderson@revisionlegal.com>>

<<mailto:anderson@revisionlegal.com>><<mailto:anderson@revisionlegal.com%3e>>>

Subject: vDiscovery contact - document processing company

Anderson, as promised, here is who we use:

"Jared Harary, Esq." <[jaredh@vdiscovery.com](mailto:jaredh@vdiscovery.com)<<mailto:jaredh@vdiscovery.com>>

<mailto:jaredh@vdiscovery.com><<mailto:jaredh@vdiscovery.com>><<mailto:jaredh@vdiscovery.com%3e>>  
<<mailto:jaredh@vdiscovery.com%3e%3cmmailto:jaredh@vdiscovery.com%3e%3cmmailto:jaredh@vdiscovery.com%3e%3e>>>

[cid:image001.png@01D38E1A.461B1430<<mailto:image001.png@01D38E1A.461B1430>>  
<<mailto:image001.png@01D38E1A.461B1430>><<mailto:image001.png@01D38E1A.461B1430%3e>>]

Jared Harary, Esq.

Director of Discovery Services

10 East 39th Street, 6th Floor

New York, NY 10016

[www.vdiscovery.com](http://www.vdiscovery.com)<<http://www.vdiscovery.com/>>

(Direct) 212.220.6168<tel:(212)%20220-6168>

(Mobile) 347.728.0949<tel:(347)%20728-0949>

(Main) 212.220.6111<tel:(212)%20220-6111>

Justin Mercer

Associate

[mage removed by sender.]

[justin@iLawco.com](mailto:justin@iLawco.com)<<mailto:justin@iLawco.com>><<mailto:justin@iLawco.com>>

<<mailto:justin@iLawco.com><<mailto:justin@iLawco.com>><<mailto:justin@iLawco.com%3e%3cmmailto:justin@iLawco.com>>>>

45 Main Street, Suite 608 | Brooklyn, NY 11201

tel. (718) 243-9323 Ext. 6 | fax. (718) 243-9326

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Law Offices of Saul Roffe, Esq. P.C.

52 Homestead Circle

Marlboro, NJ 07746

(732) 616-1304

fax (732) 490-5964

Law Offices of Saul Roffe, Esq. P.C.

52 Homestead Circle

Marlboro, NJ 07746

(732) 616-1304

fax (732) 490-5964

Law Offices of Saul Roffe, Esq. P.C.

52 Homestead Circle

Marlboro, NJ 07746

(732) 616-1304

fax (732) 490-5964

