

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|  |   |                          |
|--|---|--------------------------|
| -----X   | : |                          |
|  | : |                          |
| UNITED STATES SECURITIES AND<br>EXCHANGE COMMISSION, | : |                          |
|  | : |                          |
| Plaintiff,   | : | <u>ORDER</u>             |
|  | : |                          |
| -v.-   | : | 19 Civ. 4355 (LGS) (GWG) |
| COLLECTOR’S COFFEE INC., et al.,                     | : |                          |
|  | : |                          |
| Defendants.  | : |                          |
| -----X   |   |                          |

GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

The Court has considered the parties’ recent correspondence and rules as follows:

1. The applications of Steve C. Sessa, Curtis S. Alva and Guillermo A. Gleizer to withdraw as attorneys for Vernoica Kontilai (“Veronica”) (Docket ## 224, 225, 226) are granted. These attorneys remain as attorneys for Mykalai Kontilai (“Mykalai”).

2. The conference to discuss the motion of the attorney for Collector’s Coffee Inc. to withdraw (Docket # 219) scheduled for Wednesday, March 18, 2020, at 10:00 a.m. is changed to a telephone conference. Mr. Cabada is directed to arrange a conference call with a toll-free commercial service, to inform all other parties of the arrangement by March 16, 2020, and to call the Court at the time of the conference with the information needed to dial in. A representative of the corporation with authority to engage counsel must appear on the telephone call. No other parties are required to appear, though they are permitted to appear if they wish. All persons who intend to speak during the call must use a landline or phone with equivalent quality. Also, when addressing the Court, speakers must not use a speakerphone.

3. The pre-motion conference requirement with respect to plaintiff’s motion for contempt and/or for sanctions (Docket ## 232, 246) is waived. Briefing shall be in accordance with paragraph 2.B of the Court’s Individual Practices. If either side believes an evidentiary hearing is required, it may so request in its motion papers.

4. In light of Mykalai’s stated intention to invoke his Fifth Amendment privilege to all questions (Docket # 234 at 1) regardless of where his deposition is mandated to occur, there seems to be little need to conduct the deposition imminently. A motion to compel Mykalai to appear at a deposition in New York may be filed at any time. Counsel should address more completely in their briefing whether a video deposition of an individual in Russia violates Russian law.

5. It is unclear what progress has been made on the discovery disputes raised in Docket ## 161 and 222. The parties are directed to discuss the issue further. If no agreement is reached, plaintiffs may file a new application compliant with paragraph 2.A of the Court's Individual Practices.

6. In light of the fact that Vernoica has just retained new counsel, it may not be realistic to expect her to appear for a deposition on March 19, 2020. The parties should discuss a date convenient for both sides. If any disputes remain, they may be the subject of a letter compliant with paragraph 2.A of the Court's Individual Practices.

7. The Clerk is requested to mark as "terminated" the motions docketed as ## 232, 242, and 246.

SO ORDERED.

Dated: March 13, 2020  
New York, New York

  
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GABRIEL W. CORENSTEIN  
United States Magistrate Judge