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July 20, 2022

VIA ECF

The Honorable Katherine Polk Failla
United States District Court for the Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007

Re: *J.C. v. Zimmerman*, Case No. 22-cv-00323-KPF

Dear Judge Polk Failla:

We respectfully submit this letter in response to the letter from Plaintiff's counsel, Daniel Isaacs, dated July 19, 2022, ECF No. 38. The letter states: "I, together with my co-counsel, Peter J. Gleason, have been discharged by Plaintiff as her attorneys in the above referenced matter."

As an initial matter, Mr. Isaacs' letter does not comply with the requirements for withdrawal of counsel set forth in this Court's Local Rules. Pursuant to Local Civil Rule 1.4:

An attorney who has appeared as attorney of record for a party may be relieved or displaced only by order of the Court and may not withdraw from a case without leave of the Court granted by order. Such an order may be granted only upon a showing by affidavit or otherwise of satisfactory reasons for withdrawal or displacement and the posture of the case, including its position, if any, on the calendar, and whether or not the attorney is asserting a retaining or charging lien.

Mr. Isaacs failed to proffer an affidavit or other satisfactory explanation for his "discharge[]" and did not obtain leave of the Court to withdraw.

As the Court is aware, the parties are currently in the middle of discovery, with depositions of key witnesses scheduled for Friday, July 22, Monday, July 25, Tuesday, July 26, and Thursday, August 4. As the Court is also aware, Plaintiff was directed to produce all non-privileged documents responsive to Defendants' First Set of Requests for Production by this Friday, July 22.

The timing of counsel's letter, coming on the heels of last Friday's conference, is concerning because it appears designed to evade Court-ordered document production obligations and the threat of sanctions. The letter also raises other potential concerns, including whether the reason for counsel's "discharge[]" triggers any duty of candor to the Court concerning, among other things, counsel's sworn personal verification of the complaint in this action.

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Given these developments, we respectfully request a telephonic conference with the Court to address these issues and the status of the case.

Respectfully,

/s/ Orin Snyder

cc: All counsel of record (via ECF)