



Brink's Global Services USA, Inc. v. Bonita Pearl, Inc. et al

2023 | Cited 0 times | S.D. New York | May 3, 2023

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK BRINKS GLOBAL SERVICES USA, INC.,

Plaintiff, -against- BONITA PEARL, INC., et al.,

Defendants.

22-CV-6653 (PGG) (BCM) ORDER

BARBARA MOSES, United States Magistrate Judge.

For the reasons discussed during today's discovery conference, it is hereby ORDERED that:

1. Plaintiff's letter-motion at Dkt. 127, seeking an order deeming certain requests for

admission (RFAs) admitted, is DENIED, and defendants' request for leave to amend their responses to the same RFAs (Dkt. 138) is GRANTED. Pursuant to Fed. R. Civ. P. 36(b), defendant Kimimoto Jewelry may serve amended responses to RFAs 4 and 7 and defendant Treasure Connection may serve an amended response to RFA 4. The amended responses shall be served no later than May 5, 2023. Because defendants failed to amend their RFA responses or seek leave to do so until plaintiff filed its letter-motion, plaintiff is awarded \$1,000 in expenses (representing the estimated cost of that letter-motion) pursuant to Fed. R. Civ. P. 37(a)(5)(A). Defendants Kimimoto Jewelry and Treasure Connection shall pay that sum to plaintiff no later than May 16, 2023. 2. Plaintiff's letter-motion at Dkt. 128, seeking the production of certain tax filings, is

GRANTED. No later than May 19, 2023, defendant Lams Jade Center shall produce the most recent Form 1120 that it filed prior to the alleged loss on July 11, 2022, showing Schedule L, and defendants Hawaiian Design Jewelry and Pan Lovely Jewelry shall produce their most recent Forms 1040 filed prior to the alleged loss, showing Schedules C-III, subject to redaction as set forth in the Court's Order dated March 14, 2023 (Dkt. 117), ¶ 2. 3. Plaintiff's letter-motion at Dkt. 130, seeking an order compelling responses to certain

interrogatories and the production of certain documents, is GRANTED IN PART. No later than May 19, 2023, defendants shall: a. Serve an amended response to plaintiff's Interrogatory No. 8 (First Set)



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providing "the names, ages, addresses, and titles of all employees and owners" of the responding defendant from January 1, 2017 to date. b. Serve amended responses to plaintiff's Interrogatory No. 14 (First Set) and

Request for Production (RFP) No. 14 (First Set), and produce the documents responsive to RFP 14, including (to the extent not already produced) all GIA Certificates containing conclusions or estimates as to the monetary value of the subject gems. c. Serve an amended response to plaintiff's RFP No. 13 (Second Set) and

produce the documents responsive to that RFP to the extent they contain the word "Brinks." All relief sought in the letter-motion at Dkt. 130 and not specifically granted herein is DENIED, without prejudice to plaintiff's right to move in "the court for the district where compliance is required," Fed. R. Civ. P. 45(d)(2)(B)(i), for an order compelling non-parties Steven C. Ma Accounting Offices and Nationwide Tax Experts to respond to the subpoenas allegedly served upon them. In the event such a motion is made, plaintiff shall disclose to that court its unsuccessful effort to pursue similar relief here. 4. Plaintiff's letter-motion at Dkt. 131, seeking an order compelling the Shu Shun Lee

Trust (affiliated with defendant Lees International Jewelry and represented herein by defendants' counsel) and Huei Enterprises (affiliated with Treasure Connection and represented herein by defendants' counsel) to produce documents in response to the subpoenas served upon them by plaintiffs, is GRANTED on consent. See Dkts. 140, 149. The Shu Shun Lee Trust and Huei Enterprises shall produce the documents requested no later than May 19, 2023. 5. Defendants' letter-motion at Dkt. 133, seeking an order compelling Brinks to produce

its "Country Security Regulations for the United States," is DENIED. 6. The deadline to complete fact discovery is EXTENDED to May 19, 2023 for the

limited purpose of completing the discovery described in ¶¶ 1-5 above. Defendants' request for leave to take additional depositions during the extended fact discovery period (Dkt. 125) is DENIED. 7. Except as set forth in ¶ 1 above, the Court declines to award expenses in connection

with the discovery motions disposed herein because the motions presented close questions or yielded mixed results, making an award of expenses unjust. Although attorney Redmond has been admitted pro hac vice (see Dkt. 82), the Court notes that he has not filed a Notice of Appearance and (perhaps for that reason) is not listed as counsel of record for plaintiff in this action. The Court recommends that attorney Redmond promptly file a notice of appearance.

The Clerk of Court is respectfully directed to close the motions at Dkts. 127, 128, 130, and 131. Dated: New York, New York

May 3, 2023 SO ORDERED.



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----- BARBARA MOSES United States Magistrate Judge

