FBT-CV15-6048103-S

DONNA L. SOTO, ADMINISTRATRIX OF THE ESTATE OF VICTORIA L. SOTO et al.	:	SUPERIOR COURT
	:	
Plaintiffs,	:	JUDICIAL DISTRICT OF FAIRFIELD
	:	
v.	:	AT BRIDGEPORT
	:	
BUSHMASTER FIREARMS INTERNATIONAL, LLC, et al.	:	APRIL 18, 2016
	:	
Defendants.	:	

DEFENDANTS CAMFOUR, INC.'S AND CAMFOUR HOLDING, INC.'S MOTION FOR AN EXTENSION OF TIME TO OBJECT AND RESPOND TO PLAINTIFFS' FIRST REQUESTS FOR PRODUCTION

Defendants Camfour, Inc. and Camfour Holding, Inc. s/h/a Camfour Holding, LLP a/k/a Camfour Holding, Inc. (collectively referred to as "Camfour") respectfully move, pursuant to Practice Book Section 13-10(a)(3), for an extension of time of thirty days, from April 14, 2016 to May 16, 2016, within which to serve objections, and an extension of time of sixty days, from April 14, 2016 to June 13, 2016, within which to serve responses, to Plaintiffs' First Requests for Production. In support of this Motion, Camfour represents as follows:

1. This is Camfour's first Motion for an Extension of Time with respect to responding or objecting to Plaintiffs' First Requests for Production.

2. Plaintiffs served their First Requests for Production directed to all defendants on November 13, 2015.

3. During a November 17, 2015 Status Conference, the parties discussed all Defendants' intention to file a Motion to Dismiss directed to subject matter jurisdiction on or before December 11, 2015. Once a Motion to Dismiss directed to subject matter jurisdiction is filed, all discovery should be stayed until that Motion to Dismiss is decided.

4. Plaintiffs' counsel indicated at the status conference that they may not agree with the Defendants' position that discovery should be stayed pending a ruling on the Defendants' forthcoming Motion to Dismiss, and the parties agreed that the issue of a possible stay would be further discussed at the next Status Conference scheduled for December 17, 2015.

5. On December 9, 2015, counsel for defendants Remington Arms Company, LLC and Remington Outdoors Company, Inc., James B. Vogts, and Counsel for Plaintiffs, Alinor A. Sterling, had communications wherein the parties agreed that the defendants would not need to provide responses and objections to the Requests for Production within thirty days, and would not be waiving any objections they may have to the Plaintiffs' First Request for Production. Plaintiffs reserved the right to seek to have defendants respond to discovery within a reasonable time. A copy of the email communications between Attorney Vogts and Attorney Sterling is attached hereto as Exhibit A.

6. On December 11, 2015, all Defendants filed Motions to Dismiss for lack of subject matter jurisdiction, thereby staying any further action in this case until the Motions were decided.

7. On April 14, 2016, the Court issued a decision denying the Motions to Dismiss.

8. On April 15, 2016, Counsel for Plaintiffs, Alinor A. Sterling, sent an email requesting that defendants serve their objections to Plaintiffs' First Requests for Production by April 22, 2016.

9. Counsel for Camfour, Scott C. Allan, responded to the April 15, 2016 email from Attorney Sterling on April 18, 2016, and requested that Plaintiffs consent to the extension requested in this Motion. At the time of the filing of this Motion, counsel for Plaintiffs had not yet advised whether they consent to the extension requested in this Motion. A copy of the email communications between Attorney Sterling and Attorney Allan is attached hereto as Exhibit B.

10. Now that the Motions to Dismiss have been denied, Camfour requires an extension of time of thirty days from the Court's ruling, to May 16, 2016, to serve objections to Plaintiffs' First Requests for Production, and an extension of sixty days, to June 13, 2016, to respond to the Requests for Production to which objections have not been asserted or sustained.

WHEREFORE, Camfour respectfully moves for an extension of time until May 16, 2016, within which to object, and an extension of time until June 13, 2016, within which to respond to the Plaintiffs' First Requests for Production.

Dated: White Plains, New York
April 18, 2016

Respectfully submitted,

By: */s/ Scott C. Allan* (418493)

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Facsimile: (914) 285-1213

Attorneys for defendants Camfour, Inc. and Camfour Holding, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for an Extension of Time to Object and Responds to Plaintiffs' Requests for Production was served on all counsel of record on April 18, 2016 by virtue of the State of Connecticut Judicial Branch's electronic filing system as well as by first class mail, U.S. postage prepaid to the following addresses:

Joshua D. Koskoff, Esq.
Alinor C. Sterling, Esq.
Katherine Mesner-Hage, Esq.
Koskoff Koskoff & Bieder, PC
350 Fairfield Avenue
Bridgeport, CT 06604

Attorneys for Plaintiffs

Peter M. Berry, Esq.
Berry Law LLC
107 Old Windsor Road, 2nd Floor
Bloomfield, CT 06002

Attorney for Defendants Riverview Sales, Inc. and David LaGuercia

James B. Vogts, Esq.
Andrew A. Lothson, Esq.
Swanson, Martin & Bell, LLP
330 North Wabash, Suite 3300
Chicago, IL 60611

and

Jonathan P. Whitcomb, Esq.
Scott M. Harrington, Esq.
Diserio Martin O'Connor & Castiglioni LLP
One Atlantic Street
Stamford, CT 06901

Attorneys for Defendants Remington Arms Company, LLC and Remington Outdoors Company, Inc.

By: */s/ Scott C. Allan* (418493)
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Attorneys for defendants Camfour, Inc. and Camfour Holding, Inc.

EXHIBIT A

Scott Allan

From: James Vogts <jvogts@smbtrials.com>
Sent: Thursday, December 10, 2015 9:47 AM
To: Christopher Renzulli; Scott Allan; firm@berrylawllc.com; SHarrington@dmoc.com
Subject: Fwd: Soto v. Bushmaster

See below.

Sent from my iPhone

Begin forwarded message:

From: "Alinor C. Sterling" <asterling@KOSKOFF.com<mailto:asterling@koskoff.com>>
Date: December 10, 2015 at 8:42:57 AM CST
To: James Vogts <jvogts@smbtrials.com<mailto:jvogts@smbtrials.com>>
Subject: RE: Soto v. Bushmaster

Jim,
Yes, that's fine.
See you next week,
Alinor

From: James Vogts [mailto:jvogts@smbtrials.com]
Sent: Wednesday, December 09, 2015 5:32 PM
To: Alinor C. Sterling <asterling@KOSKOFF.com<mailto:asterling@koskoff.com>>
Cc: 'crenzulli@renzullilaw.com<mailto:crenzulli@renzullilaw.com>' <crenzulli@renzullilaw.com<mailto:crenzulli@renzullilaw.com>>; Scott Allan (sallan@renzullilaw.com<mailto:sallan@renzullilaw.com>) <sallan@renzullilaw.com<mailto:sallan@renzullilaw.com>>; firm@berrylawllc.com<mailto:firm@berrylawllc.com>; Scott Harrington <SHarrington@dmoc.com<mailto:SHarrington@dmoc.com>>; Jon Whitcomb <JWhitcomb@dmoc.com<mailto:JWhitcomb@dmoc.com>>
Subject: Soto v. Bushmaster

Alinor, this confirms our telephone conversation this morning regarding the discovery served by you on the defendants.

While expressly preserving the right to have defendants respond to the pending discovery requests within a reasonable time, you have agreed that the defendants need not respond to the discovery within the 30 day time period set by the rules, and by not responding defendants have not waived any objections they may have to your discovery requests. We will further discuss the status of discovery, at the upcoming December 17 status conference in light of the arguments made by the defendants in their motions to dismiss and the plaintiffs' position that discovery should proceed.

Please confirm that this accurately states our agreement.

Thank you,

Jim

James B. Vogts
Swanson, Martin & Bell LLP

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EXHIBIT B

Scott Allan

From: Scott Allan
Sent: Monday, April 18, 2016 3:30 PM
To: 'Alinor C. Sterling'
Cc: Christopher Renzulli; James Vogts; 'Berry Law'; SHarrington@dmoc.com; Andrew Lothson; JWhitcomb@dmoc.com; Josh Koskoff; 'Katherine Mesner-Hage'; Jessica Roberts; 'dorozco@koskoff.com'; 'dvitka@koskoff.com'
Subject: RE: Soto v. Bushmaster, et al.

Dear Alinor:

We will be requesting an identical extension to respond to plaintiff's first set of requests for production on behalf of Camfour, Inc. and Camfour Holding, Inc. Please note that we will be requesting an extension until May 16 for the objections, because May 14 is a Saturday. Please advise whether you consent to this extension. Thanks.

From: James Vogts
Sent: Monday, April 18, 2016 2:11 PM
To: 'Alinor C. Sterling' <asterling@KOSKOFF.com>
Cc: 'crenzulli@renzullilaw.com' <crenzulli@renzullilaw.com>; Berry Law <firm@berrylawllc.com>; 'Scott Harrington' <SHarrington@dmoc.com>
Subject: Soto v. Bushmaster, et al.

Alinor, Remington will be filing a motion to extend the time in which to object and respond to plaintiffs' requests for production of documents. We will ask for 30 days, from April 14 to May 14, to serve objections, and 60 days, from April 14 to June 13 to serve responses. Please let me know if you'll agree to the motion.

Thank you,

Jim

James B. Vogts
Swanson, Martin & Bell LLP
330 N. Wabash Ave.
Suite 3300
Chicago, Illinois 60611
(312) 222-8517
jvogts@smbtrials.com

From: Alinor A. Sterling [mailto:ASterling@koskoff.com]
Sent: Friday, April 15, 2016 2:07 PM
To: James Vogts <jvogts@smbtrials.com>; Scott Harrington <SHarrington@dmoc.com>; firm@berrylawllc.com; Scott Allan (sallan@renzullilaw.com) <sallan@renzullilaw.com>; crenzulli@renzullilaw.com; Andrew Lothson <alothson@smbtrials.com>; jwhitcomb@dmoc.com
Cc: Josh D. Koskoff <JKoskoff@koskoff.com>; Katherine Mesner-Hage <KHage@koskoff.com>; Jessica Roberts <JRoberts@koskoff.com>; Diana V. Orozco <DOrozco@koskoff.com>; Dolores Vitka <DVitka@koskoff.com>
Subject: Soto v. Bushmaster, et al./Resuming Discovery

Counsel:

As you will recall, before you filed Motions to Dismiss, we had served corporate designee notices. Those were served on November 12, 2015 for dates in January 2016. On November 13, 2015, we had also served a first set of Requests for Production on each of you. Per a conversation with Jim Vogts, and based on the Court's indication that it would not permit discovery to proceed until your jurisdictional claims were resolved, we agreed to temporarily suspend your obligation to respond to the designee notices and RFPs. At the time we agreed to suspend, 26 days had run on your 30 day period to respond to the RFPs, and 27 days had run since the designee notices were served.

I am re-serving the corporate designee notices today with dates in the relatively near future. I am happy to revise the times and locations of these depositions, within reason, if you advise me of a need to do so and provide acceptable alternatives.

With regard to the RFPs, it seems reasonable to give you another seven days – until Friday April 22 -- in which to serve any objections. Since the RFPs had been served 26 days before we agreed to suspend them, I presume those objections are ready or nearly ready. Please confirm your agreement to this time frame, or let me know what you propose alternatively. If you do not intend to object to discovery and need more time to produce documents, please let me know and we can try to work out a reasonable deadline for production.

I am available on Monday to discuss these matters, if that would be helpful.

Alinor