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VIA ECF

November 9, 2010

Honorable James Orenstein, Magistrate Judge
Eastern District of New York
United States District Court
225 Cadman Plaza East, Rm. 1227 South
Brooklyn, NY 11201

Re: Campbell v. Baum et. Al., Case No.: 10 cv-03800

Dear Honorable Judge Orenstein:

This office represents Plaintiffs. I move by this letter motion respectfully requesting the Court (a) execute Plaintiff's proposed scheduling Order and (b) deny Defendant Baum's " .

As Plaintiffs' counsel, I state as follows:

1. On November 9, 2010, Defendants Baum filed ECF a proposed (a) Discovery Plan and (b) Protective Order. Plaintiffs' position is that two small changes be made to the discovery/briefing dates and that the protective order not be excused for the following reasons.

Discovery Plan

2. Contrary to Defendants' Footnote 1 in its "Discovery Plan" that Plaintiffs have not responded while Defendants have attempted to communicate with me, the fact is all parties participated in a joint phone conference call at 4 pm November 4, 2010 and there were considerable e-mails between myself and counsel attached since last week to yesterday.

3. Per those communications, the dates submitted by Defendants' November 8, 2010 document are agreed to except their 3 and 3(a) imposing joinder by November 10, 2010.

Joinder should not be imposed prior to factual discovery starting or even before a deposition of the parties. That is an unfair burden upon Plaintiff to force joinder prior to Plaintiff discovering

there may be other parties involved that are unknown to date.

4. Joinder should be permitted January 12, 2011, the day after expedited factual discovery is closed.

4. Plaintiff also objects to a Briefing Schedule date. Plaintiffs opposition should be simultaneously filed to all Defendants on February 1, 2010 and all Defendants may reply simultaneously by February 10, 2010. This will coordinate the docket and allow for a proper opposition as Defendants MERS have yet to file their Motion. Their filing falls on the holiday schedule of Thanksgiving and Christmas. Thus, it is of no prejudice to anyone to coordinate opposition to all parties on the same date- February 1, 2010.

Protective Order

5. Plaintiffs object to what Defendants filed as a "Protective Order." It is not a Protective Order at all. That document basically states that whatever Defendants feel should be confidential then they will label it confidential without any basis. That is wrong.

6. In this case there are no trade secrets or secret formulas involved. If there are specific documents regarding information that by law is deemed private, then Defendants should submit a "Protective Order" **defining** just what that may be; not demand an all inclusive whatever document they deem private will be private.

7. Moreover, that "Protective Order" at paragraph S, labelled "Publicity" imposes an injunction against freedom of speech and mandates anything that is presently public or in the media about this case or the parties involved be removed from the public. Not only is that an impossible burden, it is an unlawful injunction and unrealistic. Plaintiffs cannot control the media and are permitted to make statements about their case within the bounds of the law. It is also an odd demand when Defendants Baum have been circulating releases to the media claiming they won this case among other memos they disseminated yet now they want to control a fair response to that? The cases against Defendants Baum are published decisions by courts

regarding his misconduct in the foreclosure filings. There are news, television and other media outlets reporting on what is happening. It is public.

8. This case is just one of many cases involving these Defendants, including MERS and its Bank members wherein almost every day since August, 2010 there is a story or a document published regarding this matter and the parties involved. Multiple depositions, pleadings, and agreements between these very Defendants are public. Just go to the many legal, law office and other websites that have thousands of pages of Defendants documents uploaded from other cases involving these Defendants, such as <http://stopforeclosurefraud.com/> ,<http://4closurefraud.org/> or <http://livinglies.wordpress.com/> .

9. In fact, Defendants MERS own website publicizes their internal documents and agreements, some of which have been recently taken down since the recent public outcry of the foreclosure fraud debacle and robo signing. The documents and pleadings have been public for years, so it is unimaginable how what Defendants made public themselves they now want to make private. It does not work that way.

10. If Defendants want a protective order they should draft one defining what confidential documents are, not one that gives them free reign as to what they decide is confidential, which could be everything according to the proposal and would be a burden upon this case and docket. Also, not one that prohibits free speech and fair comment.

For the foregoing reasons, Plaintiffs respectfully request the Court to grant the requests herein, particularly that Defendants revise their protective order to one that defines confidential documents and removes their imposition of an injunction.

Very truly yours,
LAW OFFICES OF SUSAN CHANA LASK

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Cc:Andrew Boese, Esq.
Brett Scher, Esq.