

June 24, 2024

**VIA ECF**

Honorable Lisa G. Beckerman  
United States Bankruptcy Court  
Southern District of New York  
One Bowling Green  
New York, New York 10004-1408

Re: *Picard v. Legacy Capital Ltd.* Adv. Pro. No. 10-05286 (LGB) (Bankr. S.D.N.Y.)

Dear Judge Beckerman:

In anticipation of the status conference scheduled for June 26, 2024 before Your Honor, the parties jointly submit this letter updating the Court on the status of discovery in this matter.

Since appearing before Judge Morris at our last status conference on March 27, 2024, the parties have been working diligently and cooperatively (and mostly in agreement) to complete fact discovery before the current July 1, 2024 deadline. Since the last status conference, the parties have taken a total of five depositions—including two non-parties, two former employees of Defendant Legacy Capital Ltd’s (“Legacy”) service provider, and Legacy’s principal. Two more depositions are scheduled before the end of this month, and there remains one deposition that will take place on July 23, 2024 based on the availability of the party and counsel.<sup>1</sup>

In addition, on April 2, 2024, the Trustee filed a motion for the issuance of letters of request to produce documents for Legacy’s former sole director and registered agent in its jurisdiction of incorporation and a Costa Rica-based entity affiliated with Legacy. These motions have been consensually resolved and the motions withdrawn.

The parties also served Requests for Admissions and Interrogatories pursuant to Local Civil Rule 33.3(c) on each other before the May 17, 2024 deadline. The Trustee responded to both sets of requests on June 17, 2024. Legacy responded to the Trustee’s Interrogatories on June 17, 2024, and the Trustee has agreed to extend Legacy’s time to respond to the Requests for Admission until July 15, 2024.

The parties recently resolved their differences on the Trustee’s request for the production of additional documents from Legacy. Specifically, Legacy has agreed to run certain additional search terms and to produce responsive documents that hit on those searches, and the Trustee has

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<sup>1</sup> As Your Honor knows, Legacy also sought to take the deposition of the Trustee and Your Honor heard arguments and granted the Trustee’s application to quash the deposition notice on May 31, 2024.

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agreed to withdraw the document discovery dispute that he submitted to the assigned discovery arbitrator, Hon. Frank Maas (ret.), on May 24, 2024.

Finally, subject to the Court's approval, the parties have agreed to: (1) extend fact discovery by 30 days until July 31, 2024; (2) correspondingly extend the deadline for affirmative expert reports under Rule 26(a)(2) from September 23, 2024 to October 23, 2024; and (3) extend the time for rebuttal expert reports from December 2, 2024 to January 16, 2025 (the additional time accounts for the holidays). The parties agree that the end date for expert discovery shall remain March 31, 2025. In other words, the parties have agreed to extend the interim fact discovery and expert discovery deadlines without extending the end of expert discovery.

The parties jointly respectfully request that the Court grant these extensions, which will allow the parties to complete depositions and the production of documents without moving the ultimate end date for all discovery. The parties also reserve the right to seek additional extensions or scheduling adjustments based upon a showing of good cause.

The parties look forward to meeting with Your Honor at the status conference. Should the Court have any questions in the meantime, please do not hesitate to contact us.

Respectfully submitted,

By: Eric R. Fish

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