

ATTORNEY MARK FITZHUGH LEE

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August 13, 2020

Honorable Michael Shea, Federal Judge

New Haven District Court

New Haven CT

VIA EMail: [amy\\_hausmann@ctd.uscourts.gov](mailto:amy_hausmann@ctd.uscourts.gov)

RE: R&I Trading v. Executive Aircraft 3:20 CV 00074

Dear Judge Shea:

The undersigned represents the attorneys have been in regular communication regard the discovery issues of 1. the production of the closing file, and 2. an email chain between the seller (defendant) and the purchaser (newly added defendant). In this regard both attorneys have used reasonable care to comply with the obligation to have good faith conferences.

The original requests were made in late May, I contacted plaintiff counsel in mid to late June to express my need for more time. It was agreed I would not have to file a motion for extension so long as we continued to make progress. I had a surgery in June. In or about July 15, documents and responses were delivered to plaintiff. In preparing the documents, it became clear to me the entire closing file was not in the possession of the defendant, and this was noted to the plaintiff counsel. We discussed this more than once.

I provided the plaintiff with the names of both of the attorneys to the transaction and proceeded to reach out to both. I was out of my office the last week of July, but stayed in touch with the plaintiff counsel during my vacation in Maine. Before leaving for Maine, and upon my return to Connecticut, I made more than several efforts, approximately seven, to to obtain the closing file from the defendant's attorney. I did not have internet capacity at my house for a week in August due to the storm. As of today, the attorney apologized for the delay and agrees to see to the matter today. I reasonably expect to have possession of the closing file within a week. This happened this morning.

The defendant has supplied me with two new emails which are responsive to the the outstanding requests. I have again asked him to keep looking, as there perhaps ought to be more than two. The email

chain requested is on his personal phone, and it may well be the bulk of the emails are on the work computers, which are not in the possession of this defendant.

In short, the undersigned believes the production issues will resolve fairly soon even without the intervention of the Court. As I read the standing order, a two week time frame should be adequate, as I rely on the communication of the prior attorney she will get to it today.

Very truly yours

Mark F. Lee, Attorney

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