

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

BRUCE KIRBY, INC. AND	:	Civil No. 3:13-cv-00297 (JAM)
BRUCE KIRBY,	:	
Plaintiffs,	:	
v.	:	
LASERPERFORMANCE (EUROPE) LIMITED,	:	
QUARTER MOON, INCORPORATED,	:	
KARAYA (JERSEY) LIMITED,	:	
VELUM LIMITED ITM SA (ANTIGUA AND BARBUDA),	:	
INTERNATIONAL SAILING FEDERATION LIMITED,	:	
INTERNATIONAL LASER CLASS ASSOCIATION,	:	
AND FARZAD RASTEGAR,	:	
Defendants.	:	SEPTEMBER 23, 2014

REPLY IN FURTHER SUPPORT OF MOTION FOR EXTENSION OF TIME

The undersigned counsel on behalf of the defendants, LaserPerformance (Europe) Limited (“LPE”) and Quarter Moon, Incorporated (“QM”), respectfully submit this Reply in further support of their motion for a thirty (30) day extension of time, up to and including November 3, 2014 to respond to Performance Sailcraft Pty. Ltd’s (“Performance Sailcraft”) First Set of Interrogatories (1-29) and Request for Production (numbered 1-33) dated September 3, 2014.

LP and QM are not unmindful of the deadlines in this case. However, this is discovery that could have been served over a year ago. The claims against Performance Sailcraft were filed on June 12, 2013 (DE 40). Performance Sailcraft has not explained why it waited so long to serve the discovery it needs. In fact, it took approximately six months to produce the documents that LPE and QM requested.

Counsel does have a pile of documents that need to be produced to Performance Sailcraft but they need to be reviewed. Unfortunately, at the moment, all available personnel are working extended hours in an attempt to comply with the pending discovery order. Performance Sailcraft's request is voluminous. There are many requests and they are broad and it simply isn't possible to respond to that volume of requests by the deadline, especially given the pending discovery order and stipulations. For example, Performance Sailcraft's first document request seeks:

All documents and things relating to your contentions that Performance Sailcraft "wrongfully conspired with Kirby and BKI to interfere with the business of LaserPerformance and Quarter Moon and prevent them from selling Lasers in those markets" as set forth in the Counterclaims.

Assuming one can figure out every possible document that "relate[s] to" this broad allegation, properly responding to this since request, and there are dozens, would take many hours of working with the client and then gathering and reviewing documents. This request (like the other requests propounded by Performance Sailcraft) does not seek a tangible category of documents like all bank statements for a particular account or boat invoices for a particular period. These requests are broad and require a substantial time commitment. All of those resources are currently being used so a thirty day extension is therefore necessary.

A request for a thirty day extension on discovery is also routine and is typically granted as a matter of course in both state and federal courts. That is all LPE and QM seek.

DEFENDANTS,
LASERPERFORMANCE (EUROPE) LIMITED,
QUARTER MOON, INCORPORATED,

/s/ Simon I. Allentuch

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CERTIFICATION

I hereby certify that on September 23, 2014, a copy of the foregoing was filed electronically [and served by mail on anyone unable to accept electronic filing]. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system [or by mail to anyone unable to accept electronic filing]. Parties may access this filing through the Court's system.

/s/Simon I. Allentuch

Simon I. Allentuch
NEUBERT, PEPE & MONTEITH, P.C.