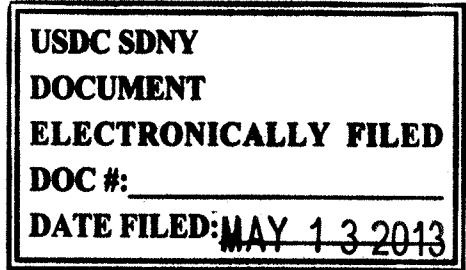


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May 9, 2013



VIA EMAIL ONLY  
Hon. Alison Nathan

Re: Urgent Request for Termination of Preliminary Judgment Hearing and for Sanctions  
3R Connect Creative Management et al v. Fiorello  
Case No.: 13-cv-2762(AJN)

Dear Judge Nathan:

I write on behalf of defendants. As an officer of this Court, I took steps that I believed consistent with my responsibilities by encouraging my clients to attempt to resolve this matter amicably before the Court ruled on the pending Preliminary Injunction application. In fact, an appointment has been made between the principals this afternoon for that sole purpose.

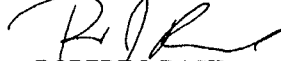
Unfortunately, I received two emails from Plaintiffs' counsel this morning after the meeting was set up with the following messages:

- (1) Why don't we work a deal, before she rules and your guys end- upon some *serious trouble with the law?* (emphasis added)
- (2) Now re this deal [is] not a [negotiation]. Your guys will take what I give as its [a] less offensive route than *criminal investigation* and personal bankruptcy. (emphasis added)

At trial, this Court admonished Plaintiffs' counsel concerning conduct that the Court believed failed to comport with the obligations of counsel toward this tribunal and informed all counsel that the proceedings would be terminated if such obligations were not met in the future. This conduct, a clear violation of the Rules of Professional Conduct (see Rule 3.4(e), *Trezza v. NRG Energy, Inc.*, 2008 WL 540094 (S.D.N.Y. 2008)) is so far beyond the courtroom misconduct that this Court considered sufficient to call an end to the proceedings and to warrant sanctions against counsel, that the mere fact that the proceedings are suspended while the Court considers evidence should not provide a "fire-free" zone for the type of conduct reported in this letter.

Accordingly, Defendants respectfully request that this Court terminate the Preliminary Injunction hearing based upon the bad faith misconduct of Plaintiffs' counsel and to consider such sanctions that the Court deems appropriate.

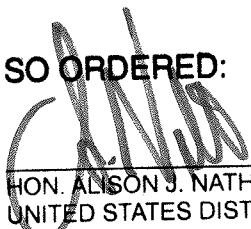
Respectfully submitted,

  
ROBERT J. BASIL

Cc: Counsel for Plaintiffs

The Court is in receipt of this and the attached letter in the above captioned case. Both parties are admonished that any additional unprofessional or discourteous conduct may result in sanctions, as too will any additional violations of this Court's Individual Practices, to include Rule 1.A, which provides that "correspondence between counsel shall not be sent to the Court." Defendants' request is denied.  
SO ORDERED.

SO ORDERED:

  
HON. ALISON J. NATHAN  
UNITED STATES DISTRICT JUDGE

5/13/13

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May 9, 2013

**By Email Only**

The Honorable Alison J. Nathan  
United States District Court  
Southern District of New York  
40 Foley Street, Room 2201  
New York, NY 10007  
NathanNYSDCambers@nysd.uscourts.gov

**Re:** *3R Connect Creative Management Agency, LLC et al. v. Fiorello, et al.*, Civil No.  
13-CV-2762: Defendants' Counsel's Urgent Request to Terminate Proceedings

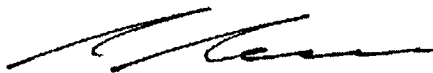
Dear Judge Nathan:

I see Attorney Basil has transmitted to the Court, two emails that I have sent him this morning, That was entirely inappropriate on his part. Aside from the fact that it is all by way of settlement – we would prefer a method that allows the business to continue – (and I know of no meeting between the principals) the fact is that Mr. Basil and I have discussed the possibility that Defendants' conduct may well be criminal and in fact in one email, Mr. Basil chided that I “was just itching to get on the handcuffs.”

I ask the court to disregard Mr. Basil's email. Its transmittal was a breach of etiquette between counsel. If Mr. Basil really wants to play on this unfortunate level, I too will be all too happy to share his emails to me with the Court.

We also assume Defendants have little interest in resolving this matter in a civil manner.

Respectfully submitted,



Richard M. Reice

cc: Robert Basil, Esq.