

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JONATHAN MONSARRAT,

Plaintiff,

v.

GOTPER6067-00001 and DOES 1-5,
dba ENCYCLOPEDIADRAMATICA.SE,
and BRIAN ZAIGER,

Defendants.

CIVIL ACTION NO.
1:17-cv-10356-PBS

**MOTION TO FILE SEPARATE
SCHEDULING CONFERENCE
STATEMENT**

Defendant Brian Zaiger, by and through undersigned counsel, and pursuant to Local Rule 16.1(d), hereby seeks leave to file a unilateral statement in lieu of a joint statement under such rule. Such unilateral statement is attached hereto as **Exhibit A**.

In support hereof, Defendant states that he objected to Plaintiff's inclusion of substantive argument in a proposed joint statement, whereupon Plaintiff filed a unilateral statement including the objectionable matter. (ECF No. 33). Thus, Defendant has no choice but to file his own unilateral statement. Although Defendant continues to believe it improper to include substantive argument in a Local Rule 16.1 and Fed. R. Civ. P. 26(f) statement, he has included a response to Plaintiff's substantive argument in his unilateral statement to avoid prejudice. Defendant's unilateral statement includes, otherwise, his proposed scheduling conference agenda, pretrial schedule, and discovery plan, including proposed subjects of discovery, as contemplated by the rules.

Pursuant to Local Rule 7.1(a)(2), undersigned counsel hereby certifies that, on July 7, 2017, counsel for Defendant attempted to confer with Plaintiff regarding

the potential necessity to file a unilateral statement. Counsel for Plaintiff has consented to the filing of separate statements.

WHEREFORE Defendant respectfully requests this Honorable Court accept his unilateral statement in lieu of the joint statement otherwise required.

Dated: July 11, 2017.

Respectfully submitted,

/s/ Jay M. Wolman

Jay M. Wolman (BBO# 666053)

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Attorneys for Defendant,

Brian Zaiger

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on July 11, 2017.

/s/ Jay M. Wolman

Jay M. Wolman