

**1:20-cv-04662-RRM-PK** Rosenfeld v. AC2T, Inc. et al

Roslynn R. Mauskopf, presiding

Peggy Kuo, referral

**Date filed:** 09/30/2020

**Date of last filing:** 02/24/2021

## History

Doc. No.	Dates	Description
<a href="#">1</a>	<i>Filed &amp; Entered:</i> 09/30/2020	Complaint  <i>Docket Text:</i> COMPLAINT against AC2T, Inc., Bonner Analytical Testing Co., Jeremy Hirsch filing fee \$ 400, receipt number ANYEDC-13448397 Was the Disclosure Statement on Civil Cover Sheet completed - YES., filed by Kalman Rosenfeld. (Attachments: # (1) Civil Cover Sheet, # (2) Proposed Summons AC2T, Inc., # (3) Proposed Summons Bonner Analytical Testing Co., # (4) Proposed Summons Jeremy Hirsch) (Kopel, Yitzchak)
	<i>Filed &amp; Entered:</i> 10/01/2020	Case Assigned/Reassigned  <i>Docket Text:</i> Case Assigned to Chief Judge Roslynn R. Mauskopf and Magistrate Judge Peggy Kuo. Please download and review the Individual Practices of the assigned Judges, located on our <a href="#">website</a> . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (Davis, Kimberly)
<a href="#">2</a>	<i>Filed &amp; Entered:</i> 10/01/2020	Clerks Notice of Rule 73  <i>Docket Text:</i> In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that <i>if</i> all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically <b>only if all</b> parties wish to consent. The form may also be accessed at the following link: <a href="http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf">http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf</a> . <b>You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent.</b> (Davis, Kimberly)
<a href="#">3</a>	<i>Filed &amp; Entered:</i> 10/01/2020	Quality Control Check - Attorney Case Opening  <i>Docket Text:</i> This attorney case opening filing has been checked for quality control. See the attachment for corrections that were made, if any. (Davis, Kimberly)
<a href="#">4</a>	<i>Filed &amp; Entered:</i> 10/01/2020	Summons Issued  <i>Docket Text:</i> Summons Issued as to AC2T, Inc., Bonner Analytical Testing Co., Jeremy Hirsch. (Attachments: # (1) Summons, # (2) Summons) (Davis, Kimberly)
<a href="#">5</a>	<i>Filed &amp; Entered:</i> 10/02/2020	Scheduling Order  <i>Docket Text:</i> SCHEDULING ORDER: A Telephone Initial Conference will be held in this case on <b>January 5, 2021 at 10:30 a.m.</b> before Peggy Kuo, United States Magistrate Judge. <b>All counsel are required to attend.</b> The parties are directed to call toll free <b>(877) 336-1274</b> and input the Access Code <b>1453850</b> at the time of the Conference. No additional security code is needed. Once all parties are on the line, the call will be connected.  Counsel are directed to the annexed Initial Conference Order for instructions. By <b>December 31, 2020</b> , the parties must file a <b>joint</b> and completed copy of the Proposed Discovery Plan, a PDF version of which may be found at: <a href="https://img.nyed.uscourts.gov/files/forms/PK-discovplan.pdf">https://img.nyed.uscourts.gov/files/forms/PK-discovplan.pdf</a> Any request for adjournment of

	this or any other conference must be made in writing on notice to opposing parties, and must disclose whether or not all parties consent. No request for adjournment will be considered unless made at least <b>two (2) business days</b> before the scheduled conference, except in the event of an emergency. <b><u>Counsel with knowledge and authority must be present. Per diem counsel may not appear without prior permission of the Court.</u></b> Plaintiff's counsel is directed to ensure that defendant is aware of this conference. (The parties are reminded that, pursuant to Local Civil Rule 1.8, they may not independently record any court proceedings. A transcript of the proceedings may be ordered from the Clerk's Office.) Ordered by Magistrate Judge Peggy Kuo on 10/2/2020. (O'Neil-Berven, Ryan)	
<a href="#">6</a>	Filed & Entered: 10/09/2020	Exhibit
	Docket Text: EXHIBIT A to Class Action Complaint by Kalman Rosenfeld. Related document: [1] Complaint, filed by Kalman Rosenfeld. (Kopel, Yitzchak)	
<a href="#">7</a>	Filed & Entered: 10/19/2020	Summons Returned Executed
	Docket Text: SUMMONS Returned Executed by Kalman Rosenfeld. Bonner Analytical Testing Co. served on 10/14/2020, answer due 11/4/2020. (Kopel, Yitzchak)	
<a href="#">8</a>	Filed & Entered: 10/19/2020	Notice of Appearance
	Docket Text: NOTICE of Appearance by Edward P. Boyle on behalf of AC2T, Inc., Jeremy Hirsch (aty to be noticed) (Boyle, Edward)	
<a href="#">9</a>	Filed & Entered: 10/19/2020 Terminated: 10/19/2020	Motion for Extension of Time to File Answer
	Docket Text: Joint MOTION for Extension of Time to File Answer re [1] Complaint, by AC2T, Inc., Jeremy Hirsch. (Boyle, Edward)	
<a href="#">10</a>	Filed & Entered: 10/19/2020	Order on Motion for Extension of Time to Answer
	Docket Text: ORDER granting [9] Motion for Extension of Time to Answer. The deadline for defendants AC2T, Inc. and Jeremy Hirsch to answer or otherwise respond to the Complaint is extended to <b>December 3, 2020</b> . Ordered by Magistrate Judge Peggy Kuo on 10/19/2020. (O'Neil-Berven, Ryan)	
<a href="#">11</a>	Filed & Entered: 11/03/2020	Notice of Appearance
	Docket Text: NOTICE of Appearance by Daniel Richard Benson on behalf of Bonner Analytical Testing Co. (aty to be noticed) (Benson, Daniel)	
<a href="#">12</a>	Filed & Entered: 11/03/2020 Terminated: 11/12/2020	Motion for Pre Motion Conference
	Docket Text: Letter MOTION for pre motion conference <i>Re: Bonner Analytical's Motion to Dismiss</i> by Bonner Analytical Testing Co.. (Benson, Daniel)	
<a href="#">13</a>	Filed & Entered: 11/03/2020	Corporate Disclosure Statement
	Docket Text: Corporate Disclosure Statement by Bonner Analytical Testing Co. (Benson, Daniel)	
	Filed & Entered: 11/04/2020	Order
	Docket Text: ORDER: By 11/11/2020, plaintiff shall file a letter with the Court, not to exceed three pages, setting forth the legal and factual bases upon which plaintiff intends to rely to oppose Bonner Analytical Testing Co.'s proposed motion to dismiss (Doc. No. [12]). Upon receipt of plaintiff's letter, the Court will determine whether a pre-motion conference is required in this case. Bonner Analytical Testing Co.'s time to answer or otherwise move with respect to the complaint is extended until 21 days after this Court's order on any motion to dismiss, or until further order of the Court. Ordered by Chief Judge Roslynn R. Mauskopf on 11/4/2020. (Sussman, Rebecca)	
<a href="#">14</a>	Filed & Entered: 11/11/2020	Corporate Disclosure Statement
	Docket Text: Corporate Disclosure Statement by AC2T, Inc. (Boyle, Edward)	
<a href="#">15</a>	Filed & Entered: 11/11/2020	Letter
	Docket Text: Letter in Response to Bonner Analytical Testing Co.'s Letter Request for Pre-Motion Conference by Kalman Rosenfeld (Kopel, Yitzchak)	

	<i>Filed &amp; Entered:</i> 11/12/2020	Order on Motion for Pre Motion Conference
	<i>Docket Text:</i> ORDER: Defendant Bonner Analytical Testing Co.'s request for a pre-motion conference in anticipation of filing its proposed motion to dismiss, (Doc. No. [12]), is denied. No pre-motion conference is required in this case. Bonner Analytical Testing Co. shall serve its motion to dismiss by December 10, 2020; plaintiff shall serve his opposition by January 7, 2021, and defendant shall serve its reply, if any, and file the fully briefed motion on or before January 21, 2021. The parties shall mail courtesy to chambers at the time of filing. Ordered by Chief Judge Roslynn R. Mauskopf on 11/12/2020. (Sussman, Rebecca)	
<a href="#">16</a>	<i>Filed &amp; Entered:</i> 11/30/2020	Notice of Appearance
	<i>Docket Text:</i> NOTICE of Appearance by Anna G Dimon on behalf of AC2T, Inc., Jeremy Hirsch (aty to be noticed) (Dimon, Anna)	
<a href="#">17</a>	<i>Filed &amp; Entered:</i> 12/03/2020 <i>Terminated:</i> 12/09/2020	Motion for Pre Motion Conference
	<i>Docket Text:</i> Letter MOTION for pre motion conference <i>Re: the Spartan Defendants' Motion to Dismiss</i> by AC2T, Inc., Jeremy Hirsch. (Boyle, Edward)	
<a href="#">18</a>	<i>Filed &amp; Entered:</i> 12/08/2020	Letter
	<i>Docket Text:</i> Letter in Response to Spartan Defendants' Letter Request for Pre-Motion Conference by Kalman Rosenfeld (Kopel, Yitzchak)	
	<i>Filed &amp; Entered:</i> 12/09/2020	Order on Motion for Pre Motion Conference
	<i>Docket Text:</i> ORDER: Defendants AC2T and Jeremy Hirsch's request for a pre-motion conference in anticipation of filing their motion to dismiss, (Doc. No. [17]), is denied. No pre-motion conference is required in this case. Defendants shall serve their motion to dismiss by January 6, 2021; plaintiff shall serve his opposition by February 3, 2021, and defendants shall serve their reply, if any, and file the fully briefed motion on or before February 17, 2021. Defendants shall mail courtesy copies of the fully briefed motion to chambers at the time of filing. Defendants AC2T and Jeremy Hirsch's time to answer or otherwise move with respect to the complaint is extended until 21 days after this Court's order on any motion to dismiss, or until further order of the Court. Ordered by Chief Judge Roslynn R. Mauskopf on 12/9/2020. (Sussman, Rebecca)	
<a href="#">19</a>	<i>Filed &amp; Entered:</i> 12/14/2020 <i>Terminated:</i> 12/23/2020	Motion for Extension of Time to File Response/Reply
	<i>Docket Text:</i> MOTION for Extension of Time to File Response/Reply by Kalman Rosenfeld. (Kopel, Yitzchak)	
<a href="#">20</a>	<i>Filed &amp; Entered:</i> 12/22/2020 <i>Terminated:</i> 12/23/2020	Motion to Adjourn Conference
	<i>Docket Text:</i> MOTION to Adjourn Conference <i>Currently Set for January 5, 2021</i> by Kalman Rosenfeld. (Kopel, Yitzchak)	
	<i>Filed &amp; Entered:</i> 12/23/2020	Order on Motion to Adjourn Conference
	<i>Docket Text:</i> Order granting the motion to adjourn the initial conference [20]. The initial conference is adjourned to <b>January 19, 2021 at 11:00am</b> . The parties are directed to call toll free <b>(877) 336-1274</b> and input the access code <b>1453850</b> at the time of the conference. No additional security code is needed. Once all parties are on the line, the call will be connected.  The parties are directed to file their joint proposed discovery plan by <b>January 13, 2021</b> . Ordered by Magistrate Judge Peggy Kuo on 12/23/2020. (Rand, Matthew)	
	<i>Filed &amp; Entered:</i> 12/23/2020	Order on Motion for Extension of Time to File Response/Reply
	<i>Docket Text:</i> ORDER: Plaintiff's request to consolidate his opposition briefs to defendants' motions to dismiss and for an extension of time to serve his opposition, [19], on consent, is granted. Plaintiff shall serve his consolidated opposition brief by 2/3/2021, and defendants shall serve their replies and file the fully	

	briefed motions on or before 2/24/2021. The parties shall mail courtesy to chambers at the time of filing. Ordered by Chief Judge Roslynn R. Mauskopf on 12/23/2020. (Sussman, Rebecca)	
<a href="#">21</a>	<i>Filed &amp; Entered:</i> 01/13/2021	Proposed Scheduling Order
	<i>Docket Text:</i> Proposed Scheduling Order by Kalman Rosenfeld (Kopel, Yitzchak)	
	<i>Filed &amp; Entered:</i> 01/19/2021	Initial Conference Hearing
	<i>Docket Text:</i> Minute Entry for proceedings held before Magistrate Judge Peggy Kuo. Initial Conference held by telephone on January 19, 2021. Attorneys <b>Yitzchak Kopel and Alek Leslie</b> appeared on behalf of plaintiff. Attorney Leslie was directed to file a notice of appearance on the docket sheet. Attorneys <b>Anna Dimon and Edward Boyle</b> appeared on behalf of defendants AC2T, Inc. and Jeremy Hirsch. Attorneys <b>Daniel Benson and Rachel Bandli</b> appeared on behalf of Defendant Bonner Analytical Testing Co.	
	The parties are directed to exchange their initial disclosures by <b>January 22, 2021</b> . They are also directed to file the anticipated Motion to Stay and any oppositions, in letter briefs of 3 pages or less, by <b>March 10, 2021</b> . If no stay is requested at that time, a joint proposed scheduling order must be filed proposing deadlines for discovery and pre-trial motions. (FTR Log: 11:03 11:45) (O'Neil-Berven, Ryan)	
<a href="#">22</a>	<i>Filed &amp; Entered:</i> 01/19/2021	Notice of Appearance
	<i>Docket Text:</i> NOTICE of Appearance by Rachel Bandli on behalf of Bonner Analytical Testing Co. (aty to be noticed) (Bandli, Rachel)	
<a href="#">23</a>	<i>Filed &amp; Entered:</i> 02/24/2021	Motion to Dismiss
	<i>Docket Text:</i> Notice of MOTION to Dismiss <i>the Complaint</i> by AC2T, Inc., Jeremy Hirsch. (Boyle, Edward)	
<a href="#">24</a>	<i>Filed &amp; Entered:</i> 02/24/2021	Memorandum in Support
	<i>Docket Text:</i> MEMORANDUM in Support re [23] Notice of MOTION to Dismiss <i>the Complaint</i> filed by AC2T, Inc., Jeremy Hirsch. (Boyle, Edward)	
<a href="#">25</a>	<i>Filed &amp; Entered:</i> 02/24/2021	Affidavit in Support of Motion
	<i>Docket Text:</i> AFFIDAVIT/DECLARATION in Support re [23] Notice of MOTION to Dismiss <i>the Complaint - Declaration of Edward P. Boyle</i> filed by AC2T, Inc., Jeremy Hirsch. (Attachments: # (1) Exhibit 1A, # (2) Exhibit 1B, # (3) Exhibit 2A, # (4) Exhibit 2B, # (5) Exhibit 3, # (6) Exhibit 4, # (7) Exhibit 5, # (8) Exhibit 6, # (9) Exhibit 7, # (10) Exhibit 8, # (11) Exhibit 9, # (12) Exhibit 10, # (13) Exhibit 11, # (14) Exhibit 12) (Boyle, Edward)	
<a href="#">26</a>	<i>Filed &amp; Entered:</i> 02/24/2021	Affidavit in Support of Motion
	<i>Docket Text:</i> AFFIDAVIT/DECLARATION in Support re [23] Notice of MOTION to Dismiss <i>the Complaint - Declaration of Hirsch</i> filed by AC2T, Inc., Jeremy Hirsch. (Boyle, Edward)	
<a href="#">27</a>	<i>Filed &amp; Entered:</i> 02/24/2021	Motion to Dismiss/Lack of Jurisdiction
	<i>Docket Text:</i> Notice of MOTION to Dismiss for Lack of Jurisdiction , MOTION to Dismiss for Failure to State a Claim by Bonner Analytical Testing Co.. (Benson, Daniel)	
<a href="#">28</a>	<i>Filed &amp; Entered:</i> 02/24/2021	Memorandum in Support
	<i>Docket Text:</i> MEMORANDUM in Support re [27] Notice of MOTION to Dismiss for Lack of Jurisdiction MOTION to Dismiss for Failure to State a Claim filed by Bonner Analytical Testing Co.. (Benson, Daniel)	

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
02/24/2021 15:47:00			
<b>PACER Login:</b>	cpurrington	<b>Client Code:</b>	
<b>Description:</b>	History/Documents	<b>Search Criteria:</b>	1:20-cv-04662-RRM-PK
<b>Billable</b>	4	<b>Cost:</b>	0.40

