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March 14, 2022

Via CM/ECF

Judge John M. Gallagher
United States District Court for the
Eastern District of Pennsylvania
Edward N. Cahn Courthouse & Federal Bldg.
504 W. Hamilton Street, Suite 4701
Allentown, Pennsylvania 18101

Re: *Marshall, et al. v. Prestamos CDFI, LLC*, No. 5:21-cv-04337-JMG (E.D. Pa.)

Dear Judge Gallagher:

We write on behalf of Plaintiffs pursuant to section II.C.2 of Your Honor's Policies and Procedures in reply to Defendant Prestamos CDFI, LLC's ("Defendant") February 25, 2022 response (ECF 27) ("Defendant's Response") to Plaintiffs' February 14, 2022 letter (ECF 22) ("Plaintiffs' Letter"). Plaintiffs' Letter requests a telephone conference for the Court to resolve a discovery dispute. Defendants' Response opposes that conference.

The Court should hold the conference and resolve the parties' discovery dispute. As is clear from the parties' filings, the parties dispute whether discovery should be stayed and bifurcated. And because of that dispute, Defendant has persisted in thus far continuing to fail to produce even one document or any other meaningful discovery despite the fact that this case was filed October 1, 2021 and Plaintiffs served document requests and interrogatories on November 16, 2021. Defendant's contentions in its Response that Plaintiffs filed their Letter "without notice" regarding "a purported discovery dispute" and that Plaintiffs "rushed the matter to the Court" and Plaintiffs' Letter "is premature" are therefore completely undermined by the parties' submissions and Defendant's acknowledgment in its Response that it seeks the very stay and to bifurcate to which Plaintiffs object. ECF 22, 27.

In addition, Defendant's Response also acknowledges that Plaintiffs served a subpoena on Chicanos Por La Causa, Inc. ("CPLC"), Defendant's corporate parent. ECF 27 at 2. Defendant's Response fails to disclose, however, that the same counsel representing Defendant in this litigation also represents CPLC in connection with that subpoena; that CPLC is therefore similarly and predictably stonewalling and thus has also failed to produce even a single document and apparently refuses to produce any responsive documents; and that, in its formal written responses and objections to 32 of the 33 document requests in that subpoena, CPLC

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explicitly objects on the specific ground, among others, that the requested discovery is “the subject of a dispute that ***should be resolved*** before seeking discovery from CPLC.” (emphasis added.)

The Court should not countenance such gamesmanship. That is so particularly in the circumstances here which involve the status and potential disposition -- indeed, potential *theft* -- of the unfunded PPP proceeds that the U.S. Small Business Association approved and the federal government advanced and guaranteed for Plaintiffs and other putative members of the proposed nationwide class at issue in this litigation. In sum, Defendant’s bald assertion that “there is no time-sensitive evidence to which Plaintiffs require immediate access” (ECF 27 at 3) could not be further from the truth.

Respectfully submitted,

/s/ *Lawrence J. Lederer*

Lawrence J. Lederer

LJL:ss
cc: All counsel of record (via CM/ECF)