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BY NYSCEF AND BY HAND

The Honorable Eileen Bransten
Supreme Court of the State of New York
County of New York
60 Centre Street, Room 442
New York, NY 10007

Re: *Darabont v. AMC Network Entertainment LLC*, Index No. 654328/2013

Dear Justice Bransten:

The Court could not have been clearer: “***No Reply shall be filed.***” (Doc. No. 676 at 2.) The Court provided the same instructions to AMC at the April 19, 2018 hearing: “***No reply.***” (*Id.* at 5.) AMC’s request for leave to file a reply brief that the Court has already unequivocally prohibited—the height of desperation—should be rejected.

AMC’s basis for requesting an already-prohibited reply brief is that, “Plaintiffs for the first time *concede* that the MAGR [Exhibit] is *part of* the parties’ 2010 contract” in their Supplemental Summary Judgment Brief. AMC’s contention is: (1) wrong—Plaintiffs have not “conceded” anything, or taken a “contradictory” position; and (2) premised on the same false characterizations of the record, and Plaintiffs’ arguments, found in AMC’s Supplemental Opposition Brief. As Plaintiffs explain in their Supplemental Summary Judgment Brief, Plaintiffs have never argued that the entire MAGR Exhibit is a “sham” that should be “rejected.”

This is not the first time AMC has flouted one of this Court’s Orders regarding summary judgment briefing. AMC brazenly revised its summary judgment papers long after the Court-Ordered deadline, to add new “facts” they concocted, and alter their legal arguments. (*See* Doc. Nos. 395, 574.) The Court was “very, very upset at the fact that possibly plaintiffs have not had an opportunity to respond to [AMC’s] papers.” (Doc. No. 587 at 43:22-44:4.)

Plaintiffs respectfully ask the Court to reject AMC’s proposed reply brief, and refer the Court to their Supplemental Summary Judgment Brief (Doc. No. 669), which concisely summarizes the issues on Plaintiffs’ Motion for Partial Summary Judgment, and addresses AMC’s misleading arguments. Plaintiffs submit they have persuasively established their entitlement to partial summary judgment.

Respectfully submitted,

/s/ Jerry D. Bernstein

Jerry D. Bernstein

cc: All counsel of record (via NYSCEF)