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VIA ECF

Hon. George B. Daniels
United States District Judge
Southern District of New York

July 15, 2016

**Re: Cargian v. Breitling USA, Inc.
Civil Action No.: 15-cv-01084**

Your Honor:

We represent defendant Breitling USA, Inc. (“Defendant”) in the above-referenced matter. We write in response to the plaintiff’s (“Plaintiff”) *second* supplemental briefing in connection with Defendant’s motion for summary judgment, that was filed by the Plaintiff on July 14, 2016 (Docket No. 61), this time without even lip service to seeking Court permission to do so.

Plaintiff’s submission is nothing more than a rehashing, re-emphasis, and self-serving summary of arguments set forth in the summary judgement papers, made under the guise of presenting a “newly” decided case to the Court. There was nothing new or novel decided in the case presented in Plaintiff’s submission. As such, Defendant respectfully requests that the Court disregard this (and any future) effort(s) by Plaintiff to present sur-replies or an unfair “last word” to the Court. Rather, Defendant urges the Court to base its summary judgment motion ruling on the prior argument, briefs, and submissions presented to the Court.

Respectfully submitted,

FOX ROTHSCHILD LLP

Zev Singer

CC: All Attorneys of Record (via ECF)

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