

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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HOWARD M. EHRENBERG,
CHAPTER 11 LIQUIDATING TRUSTEE,
Plaintiff,

Docket No.: 8-18-71748-ast
Adversary Proceeding No. 8-20-08053-ast

v.

SAGE GROUP CONSULTING, INC., and
SALIL SHARMA,
Defendants.

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**DEFENDANT SALIL SHARMA’S NOTICE OF WITHDRAWAL OF
MOTION TO COMPEL CONTINUED DEPOSITION OF PLAINTIFF
HOWARD EHRENBERG**

TO THE HONORABLE ALAN S. TRUST, UNITED STATES BANKRUPTCY JUDGE

Defendant **Salil Sharma**, appearing pro se, hereby withdraws his *Motion to Compel the Continued Deposition of Plaintiff Howard Ehrenberg, Liquidating Trustee, and for Production of Relevant Discovery Materials* filed on April 12, 2025 [**Docket. No. 85**], and respectfully states as follows:

1. Background

Following the Court’s March 18, 2025, Order permitting a time-limited deposition of Plaintiff Howard Ehrenberg, Defendant Salil Sharma conducted a 45-minute deposition on April 11, 2025. However, due to repeated technical disruptions caused by Plaintiff’s counsel, at least **8.5 minutes of questioning time was lost**. Trustee Ehrenberg refused to extend the session to make up for the lost time.

As a result, Defendant filed a formal **Motion to Compel** the continued deposition of the Trustee [**Docket. No. 85**], citing Rule 30(d)(1) of the Federal Rules of Civil Procedure. He also submitted three separate letters to opposing counsel in good faith to resolve the matter without burdening the Court.

In his third and final letter, Mr. Sharma explained:

“I submitted a good-faith proposal to resolve this amicably. I offered: To withdraw my pending motion for 3 additional hours; To reduce my request to just 60 minutes of supplemental deposition time, plus the 10 minutes lost due to your disruptions...”

Despite repeated overtures, no resolution was reached until Defendant insisted that the parties adhere to the original sequencing mandated by the Court:

“I am objecting — appropriately and lawfully — to proceeding with my deposition before the Trustee’s deposition is complete, as explicitly required under Paragraphs 2 and 3 of the Court’s March 18, 2025, Order.”

Mr. Sharma also stressed the prejudicial impact of losing even a fraction of the already limited time:

“Losing 10 minutes out of 45 is not equivalent to losing 10 minutes out of an 8-hour deposition; it’s a material and damaging loss from the only opportunity I have had in seven years to question the Trustee.”

This context highlights that the resolution reached—providing 60 additional minutes to continue the deposition—was not merely a scheduling agreement, but the result of persistent advocacy by Mr. Sharma to uphold due process and protect the integrity of the Court’s order.

Accordingly, with the terms of the resolution confirmed and scheduled for April 24, 2025, Mr. Sharma now respectfully withdraws the pending motion.

2. Resolution by Agreement

Following discussions between the parties and a cooperative exchange of letters, the parties have reached a resolution that renders court intervention unnecessary.

In an email confirmed on April 17, 2025, Trustee’s counsel Neal Kronley of DLA Piper proposed the following:

“We will recommend to our client that you have the opportunity to depose Mr. Ehrenberg for one hour (60 minutes) on next Thursday, April 24, after which we will complete your deposition... The deposition will be at our Short Hills, NJ office as previously ordered by the Court and limited to seven hours consistent with the FRCP and as noted by the Court.” (Exhibit A)

In response, Defendant provided written confirmation and acceptance:

“I hereby confirm that I am available and willing to proceed with the continued deposition of Trustee Howard Ehrenberg on Thursday, April 24, 2025... I do so while expressly reserving all rights and without waiver of any prior objections... including the materially incomplete nature of

the April 11, 2025, deposition... and my position that under Federal Rule of Civil Procedure 30(d)(1), I was — and remain — entitled to additional deposition time.” (*Exhibit B*)

This agreement satisfies the relief requested in the pending Motion and has been documented in good faith by both parties.

3. Withdrawal of Motion

Accordingly, **Defendant Salil Sharma hereby withdraws his Motion to Compel the Continued Deposition of Howard Ehrenberg**, [*Docket. No. 85*], filed on April 12, 2025.

This withdrawal is made without prejudice and with express reservation of all rights should the Trustee or his counsel fail to comply with the terms of the agreed continuation or otherwise obstruct the deposition process.

4. Conclusion

Defendant appreciates the willingness of opposing counsel to reach resolution without further burdening the Court and looks forward to completing both depositions on April 24, 2025, consistent with the March 18, 2025, Order and the Federal Rules of Civil Procedure.

Dated: April 18, 2025

Respectfully submitted,

/s/ **Salil Sharma**

Salil Sharma

ProSe Defendant

Exhibit A



Salil Sharma <salil71@gmail.com>

RE: Adversary Proceeding No. 8-20-08053-ast-Request to Postpone Defendant's Deposition Pending Resolution of Motion to Compel Continued Deposition of Plaintiff

Kronley, Neal <neal.kronley@us.dlapiper.com>
To: Salil Sharma <salil71@gmail.com>
Cc: "Nanes, Rachel" <rachel.nanes@us.dlapiper.com>

Thu, Apr 17, 2025 at 4:08 PM

Hi Salil,

As we just discussed, and in an effort to resolve the present dispute over depositions, we will recommend to our client that you have the opportunity to depose Mr. Ehrenberg for **one hour** (60 minutes) on next **Thursday, April 24**, after which we will complete your deposition.

During our call you verbally agreed to this proposal. Please confirm in writing that this is agreeable and I will then recommend this resolution to Mr. Ehrenberg.

The deposition will be at our Short Hills, NJ office as previously ordered by the Court and limited to seven hours consistent with the FRCP and as noted by the Court.

Thank you,

Neal

Neal Kronley

Of Counsel

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neal.kronley@us.dlapiper.com

DLA Piper LLP (US)
[dlapiper.com](https://www.dlapiper.com)

Exhibit B

April 17, 2025

Via Email

Howard M. Ehrenberg, Liquidating Trustee
c/o Neal F. Kronley
DLA Piper LLP (US)
1251 Avenue of the Americas, 27th Floor
New York, NY 10020-1104
neal.kronley@us.dlapiper.com

Subject: Incomplete Deposition of Trustee and Scheduling Compliance Under March 18, 2025, Court Order

Dear Neil,

I write again to address the status of the pending depositions in this matter and to clarify misrepresentations in your letter of April 16, 2025, regarding my obligations under the Court's March 18, 2025, Order.

No Intention to Violate Court Order — But Order Must Be Followed Fully by Both Sides

Let me be absolutely clear: **I have no intention of violating or refusing to comply with the Court's Order.** However, I also have the right to insist that **you and your client comply fully** with it as well.

Your attempt to characterize my request for a continuation of the Trustee's deposition as an improper basis to postpone my own is simply inaccurate. I am **not** seeking adjournment due to the mere filing of a motion. I am objecting — appropriately and lawfully — to proceeding with my deposition **before the Trustee's deposition is complete**, as explicitly required under **Paragraphs 2 and 3** of the Court's March 18, 2025, Order.

Trustee's Deposition Remains Incomplete Due to Your Repeated Disruptions

You are fully aware that **the 45-minute deposition authorized by the Court did not occur in full.** The transcript confirms that **you repeatedly disconnected, froze, or otherwise disrupted the examination**, causing cumulative delays of at least **8.5 minutes**, not including additional time lost to administrative repetition and technical confusion.

At multiple crucial moments during my questioning of Trustee Ehrenberg, your alleged technical difficulties obstructed the flow and continuity of the examination. These were not brief glitches — they materially impaired my ability to conduct a meaningful deposition within the already tight time constraint imposed by the Court.

And despite these clear delays, when I respectfully asked Trustee Ehrenberg to stay a few minutes longer to make up the lost time, his answer was simply: **"No."**

Federal Rule 30(d)(1) Requires Additional Time in These Circumstances

As you well know, **Federal Rule of Civil Procedure 30(d)(1)** explicitly provides that:

“The court must allow additional time consistent with Rule 26(b)(1) and (2) if needed to fairly examine the deponent or if the deponent, another person, or other circumstance impedes or delays the examination.”

That is exactly what occurred here — **not through any fault of mine**, but due entirely to **your repeated disconnections and technical setup failures**. Under this rule, I am entitled to additional time to complete the deposition as originally authorized by the Court.

The Complexity of the Case and the Value of Each Minute

When a case involves complex fraud allegations spanning over **seven years**, with **no meaningful discovery provided to date**, every minute of deposition time becomes critically important. The Trustee has been unable to articulate the factual basis of the claims against me, and I have not received any discovery that substantiates the core allegations. In this context, **a single 45-minute deposition is not just routine — it is pivotal**. Losing **10 minutes out of 45** is not equivalent to losing 10 minutes out of an 8-hour deposition; it’s a **material and damaging loss** from the **only opportunity** I have had in seven years to question the Trustee. This renders the deposition **highly incomplete and procedurally defective** under the Court’s Order.

My Good Faith and Compromise Proposal Ignored

To avoid burdening the Court further, I submitted a good-faith proposal to resolve this amicably. I offered:

- To **withdraw** my pending motion for 3 additional hours.
- To **reduce** my request to just **60 minutes of supplemental deposition time, plus the 10 minutes lost** due to your disruptions.
- And to **schedule both depositions around your availability**, at your convenience.

I also invited you to meet and confer — again, something you have completely ignored. These actions reflect not only my intention to comply with the Court’s Order, but also to act with courtesy and professional responsibility.

You Are Now in Violation of the Court Order

By failing to restore the 10 minutes lost, refusing to reconvene the Trustee’s deposition, and insisting on proceeding with mine prematurely, **you are in violation of both the March 18 Court Order and Rule 30(d)(1)**. The sequencing required by the Order — Trustee’s deposition first, followed by mine — remains unfulfilled.

Next Steps

Accordingly, I again ask you to:

1. **Confirm a time to complete the missing 10 minutes** of the Trustee's original 45-minute deposition.
2. Consider my compromise proposal to conduct a **60-minute continuation** (beyond the residual 10 minutes).
3. **Meet and confer**, as is customary and as I have repeatedly offered.

Once the Trustee's deposition is properly concluded, I remain fully prepared to appear for mine as previously scheduled or on any mutually agreeable date.

Respectfully,
/s/ **Salil Sharma**
Salil Sharma
Pro Se Defendant