

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: IAS PART 54

TAXI TOURS, INC.,

Plaintiff,

-against-

GO NEW YORK TOURS, INC.,

Defendant.

Index No. 653012/2019

Hon. Jennifer G. Schecter

GO NEW YORK TOURS, INC.,

Counterclaim Plaintiff,

-against-

BIG BUS TOURS LIMITED, *et al.*,

Counterclaim-Defendants.

**COUNTERCLAIM PLAINTIFF  
GO NEW YORK TOURS, INC.'S  
RESPONSES AND OBJECTIONS  
TO COUNTERCLAIM DEFENDANTS'  
FOURTH SET OF INTERROGATORIES**

Counterclaim Plaintiff Go New York Tours, Inc. (“Go New York”) by its undersigned counsel, hereby objects and responds to the Fourth Set of Interrogatories (the “Interrogatories”) by Plaintiff-Counterclaim Defendant Taxi Tours, Inc. and Counterclaim Defendants Open Top Sightseeing USA, Inc., Go City North America, LLC, and Go City Inc., (collectively, “Counterclaim-Defendants”) as follows:

**GENERAL RESPONSES AND OBJECTIONS**

These General Responses and Objections are an integral part of and incorporated into each and every one of Go New York’s responses to the individual interrogatories, set forth below, and to any and all further or supplemental responses by Go New York to the interrogatories, as if set forth fully and at length in each response.

1. Go New York objects to the Interrogatories to the extent that they purport to

request information that was prepared in anticipation of or in connection with litigation, constitutes attorney work product, constitutes or contains attorney-client communications, or is otherwise privileged or protected from disclosure under applicable laws or rules. Any disclosure of privileged or protected information or documents in response to any interrogatory is inadvertent and is not a waiver of any applicable privileges or protections. In the event of any inadvertent disclosure by Go New York of any privileged document, Counterclaim-Defendants shall be required to return such document, and to destroy any remaining copies thereof, promptly upon Go New York's demand therefor and/or upon Counterclaim-Defendants' discovery otherwise that it has received a privileged document.

2. To the extent that the Interrogatories are intended to seek expert discovery, Go New York objects on the grounds that such requests are premature. Go New York will provide any required expert discovery at the appropriate time.

3. By responding or disclosing information or documents in response to any interrogatory or document request, Go New York does not waive, and hereby expressly reserves, any objections interposed herein, any further objections to any discovery demands and notices, its right to seek relief from the Court with respect to any discovery demands, and all objections to the admission of any documents or information so obtained into evidence at trial.

4. By agreeing to search for or produce documents responsive to any specific request, Go New York does not thereby represent that any such documents exist within its possession, custody, or control, but represents only that it will search for such responsive documents and produce any responsive, non-privileged documents that may be found, if any.

5. Go New York's answers and responses are not intended, and should not be construed, to expand disclosure beyond the scope generally permitted under applicable law and court rules.

6. Go New York reserves its right to amend and/or supplement its responses and objections to the interrogatories.

### **RESPONSES TO INDIVIDUAL INTERROGATORIES**

**Interrogatory No. 16.** Identify all Documents that constitute the "advertising materials," "printed advertising brochures," "misleading advertising," and "false advertising," as referenced in Paragraphs 50, 55, 57, 79, 83–85 of the Counterclaims.

**RESPONSE:** Go New York objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not proportional to the needs of this case. Without waiving the foregoing objections or purporting to identify all potentially responsive documents, Go New York identifies documents previously produced with Bates numbers GNY009697, GNY13481, GNY13964, GNY015343, GNY016439, GNY020607-020608 and GNY020611 as representative of the category of documents requested. Go New York reserves the right to supplement these responses.

**Interrogatory No. 17.** Identify all Documents that "misleadingly promote[] [Counterclaim-Counterclaim-Defendants'] Multi-Attraction Pass . . . as the 'Official New York Pass'" or "cite[] a favorable description" of the Multi-Attraction Pass from NYC & Company, as referenced in Paragraph 56 of the Counterclaims.

**RESPONSE:** Go New York objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not proportional to the needs of this case. Without waiving the foregoing objections or purporting to identify all potentially responsive documents, Go New York identifies documents previously produced with Bates numbers GNY0009695-GNY009697, GNY005160 and GNY024064 as representative of the category of documents requested. Go New York reserves the right to supplement these responses.

**Interrogatory No. 18.** Identify all Documents that constitute the “fake positive online consumer reviews,” “purchased fake positive reviews,” “fake positive reviews,” and “fake consumer reviews,” as referenced in Paragraphs 51, 52, and 54 of the Counterclaims.


**RESPONSE:** Go New York objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, not proportional to the needs of this case, seeks information and documents protected from disclosure as work product. To the extent that this interrogatory is intended to seek expert discovery, Go New York objects further on the ground that it is premature. Go New York will provide any required expert discovery at the appropriate time. Without waiving the foregoing objections, Go New York refers Counterclaim-Defendants to the report by the Risk Assistance Network+Exchange (“the RANE Report”), already produced to Go New York at Bates Number GNY000234 to GNY000242, which may contain information relevant to this Interrogatory.

**Interrogatory No. 19.** Identify all Documents that constitute the “negative reviews,” “purchas[ed] negative reviews,” “fake negative consumer reviews,” “fake negative reviews,” and “fake disparaging reviews,” as referenced in Paragraphs 52, 53, 57, and 79 of the Counterclaims.

**RESPONSE:** Go New York objects to this Interrogatory on the grounds that it is vague, overly broad, unduly burdensome, and not proportional to the needs of this case. To the extent that this interrogatory is intended to seek expert discovery, Go New York objects further on the ground that it is premature. Go New York will provide any required expert discovery at the appropriate time. Subject to and without waiving the foregoing or general objections, Go New York refers Counterclaim-Defendants to the RANE Report, which may contain information relevant to this Interrogatory.

Dated August 3, 2022 in New York, New York.

**BARTON LLP**

By:   
Maurice N. Ross  
Randall L. Rasey

711 Third Avenue, 14<sup>th</sup> Floor  
New York, NY 10017  
(212) 687-6262

[mross@bartonesq.com](mailto:mross@bartonesq.com)

[rrasey@bartonesq.com](mailto:rrasey@bartonesq.com)

*Attorneys for Defendant/Counterclaim  
Plaintiff Go New York Tours, Inc.*