

EXHIBIT A

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032283/2023 - Rockland County Supreme Court

Short Caption: **David M. Schlachter et al v. Microsoft Corporation**
Case Type: **Commercial - Contract**
Case Status: **Disposed**
eFiling Status: **Partial Participation Recorded**
Assigned Judge: **Thomas P Zugibe**

[E-mail Participating Parties](#)

Narrow By Options

Document Type: Filed By:

Motion Info: Filed Date: thru

Document Number:

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Sort By: Doc #

#	Document	Filed By	Status
1	SUMMONS + COMPLAINT	Schlachter, D. Filed: 05/24/2023 Received: 05/24/2023	Processed Confirmation Notice
2	ORDER TO SHOW CAUSE (PROPOSED) (Motion #001)	Schlachter, D. Filed: 05/24/2023 Received: 05/24/2023	Processed Confirmation Notice Payment Receipt
3	ORDER TO SHOW CAUSE - ACCOMPANYING COMMENCEMENT DOC(S) (PROPOSED) (Motion #000)	Schlachter, D. Filed: 05/24/2023 Received: 05/24/2023	Processed Confirmation Notice
4	RJI -RE: ORDER TO SHOW CAUSE	Schlachter, D. Filed: 05/24/2023 Received: 05/24/2023	Processed Confirmation Notice Payment Receipt
5	ORDER TO SHOW CAUSE - DECLINED/WITHDRAWN (Motion #001)	Court User Filed: 05/25/2023 Received: 05/25/2023	Processed Confirmation Notice
6	PROOF OF SERVICE Service done on May 24, 2023	Schlachter, D. Filed: 06/15/2023 Received: 06/15/2023	Processed Confirmation Notice

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

-----X
David M. Schlachter, and Law Offices of David M.
Schlachter, LLC

INDEX NO.

Plaintiff,

v.

SUMMONS

Microsoft Corporation,

Defendant,

-----X

TO THE ABOVE-NAMED DEFENDANTS:

You are hereby summoned and required to serve upon plaintiff's attorney an answer to the complaint in this action within twenty days after the service of this summons, exclusive of the day of service, or within thirty days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of the venue designated is the location of Defendant, 255 Lafayette Avenue, Route 59, Suffern, New York 10901, Defendants caused the harm in this County, and the location of assets in dispute.

Dated: June 15, 2018

You must respond in writing to:

Supreme Court of New York
Rockland County
1 South Main Street
New City, NY 10956

And to:

David M. Schlachter, Esq.
LAW OFFICES OF DAVID M. SCHLACHTER, LLC
8 Carefree Lane
Suffern, New York 10901
(845) 200-2001 phone
(973) 272-4167 fax
Attorneys for Plaintiffs

TO:

Microsoft Corporation
ONE MICROSOFT WAY
REDMOND, WASHINGTON 98052-6399

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

-----X
David M. Schlachter, and Law Offices of David M.
Schlachter, LLC

INDEX NO.

Plaintiff,

v.

SUMMONS

Microsoft Corporation,

Defendant.

-----X

PLAINTIFF, DAVID M. SCHLACHTER, and LAW OFFICES OF DAVID M.

SCHLACHTER, LLC, do hereby state the following under information and belief as to the truth:

PARTIES

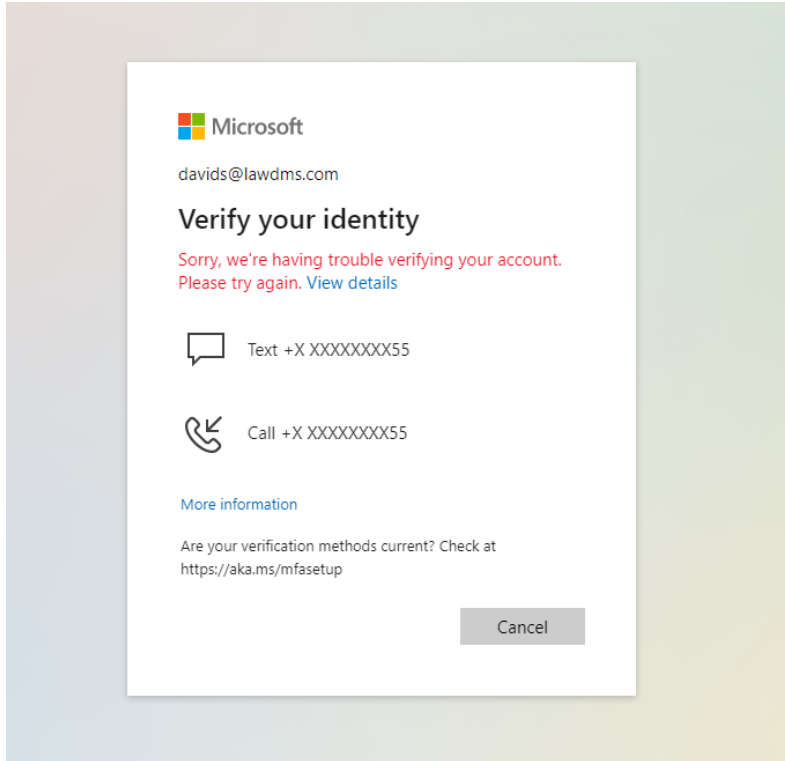
1. Plaintiff Mr. Schlachter is an individuals who reside in Rockland County, New York.
2. Plaintiff LLC is a New Jersey LLC with a license to do business in New York State.
3. Defendant Microsoft Corporation is a software retailer, among its other functions, and is located at One Microsoft Way, Redmond, State of Washington.

JURISDICTION

4. This Court has jurisdiction over this matter because it arises in this State and County, the Plaintiffs live in this County, the Defendant does business in all 50 states of the United States including New York, on a regular basis, holds itself out as a retailer of software and computer related products in New York State, including in Rockland County, and no previous Court ever had jurisdiction over this matter.

FACTS COMMON TO ALL CLAIMS

5. Starting in 2010 the Plaintiff Law Offices of David M. Schlachter, LLC (“Law Office”) utilized a new product on the market that Defendant was providing, Office 365.
6. At the time, this was a free service that provided free email and website.
7. Commencing July 2017 this service became subscription only.
8. Plaintiff Law Office switched its web hosting to another service but paid Defendant for email use.
9. From July 2017 until January 2021 Plaintiff law office paid \$5 a month per email address used.
10. Commencing around January 2021 the cost increased to \$6 per email address used.
11. On May 10, 2023, Mr. Schlachter could not longer access his email, the one he paid Defendant for (@lawdms.com).
12. When he tried to log in the system asked him for his “2 step verification.”
13. The system asked him to either Text him or to call him on xxxx55 number.
14. This number was Mr. Schlachter’s cell phone number.
15. When clicking on this the system would say “Sorry, we're having trouble verifying your account. Please try again. [View details.](#)”
16. Below is an accurate screenshot of the error:



17. This would be “error code 500121.
18. Defendant has a customer service line but no ability to email them for tech support.
19. Since Mr. Schlachter could not log in to his account he was unable to:
 - a. Retrieve any emails
 - b. Log in to his admin portal and utilize any services therein
20. This error occurred suddenly. Mr. Schlachter was the only one using the email and he did not click on any suspicious email or download anything from emails he did not know.
21. Mr. Schlachter waited on hold for 3 hours and then receive help from a customer support specialist.
22. After 30 minutes of talking to the specialist and answering questions the CS person told him that this was a “business account” and he would have to contact the business technical service team.

23. That night he texted with customer support and received the business technical support line.
24. A case was opened for him on May 12, 2023, Case No. 1053317016.
25. For four days Mr. Schlachter was unable to reach anyone on the customer support line.
26. He would wait on hold for 3 to 5 hours at a time (this is not an exaggeration) and the line would then go dead.
27. On May 15, 2023, he was able to reach Jay and had case number 2305150040010271 opened for him.
28. He was promised a call back on May 15, 2023, at 12 noon.
29. No one called him.
30. The next day, on May 16, 2023, Mr. Schlachter, this time calling the sales line and asking to be transferred to because he had a case number and a problem going on 6 days, he reached the business technical support team, and they opened up a case number for him with the 365 Data Protection team. Case No. 36337452.
31. Again, he was promised 24 – 36 hours his email would be fixed; his two-step verification issue resolved.
32. Mr. Schlachter called twice a day on May 17, 18, 19, 20, and 21. Every time he called, the support person told him he could not be transferred to either a supervisor or the engineer working on his matter. *They are working on it and it will be resolve soon* – to paraphrase.
33. On May 22, 2023, a support person from the 365 Data Protection team did call him back a few times. Once to verify his cell number. (Mr. Schlachter finds it interesting how the

tech support could text him verification codes and call him on his cell phone, but the automatic system for 2 step verification could not).

34. The tech support person also called him on his alternative number, his office line, and verified when he picked up.
35. Mr. Schlachter, this entire time, also had an alternative email address. However, not once did the system ask him to verify on it, nor did any employee of Defendant ever email him on it.
36. This matter remains unresolved.
37. The email is used for:
 - a. Communication with the Courts of New York and New Jersey
 - b. It is used with the online filing system of NYSCEF and NJ eCourts.
 - c. Mr. Schlachter has had no access to NJ eCourts because the online system request email verification to that account.
 - d. Mr. Schlachter has been unable to pay loans because the online portal system for the loan payments is linked to that account.
 - e. Mr. Schlachter is not receiving any communication from Federal Bankruptcy Courts, and he has open cases.
 - f. He is not receiving communications from Judges, clerks, adversaries, colleagues, clients, United States Trustees.
38. Mr. Schlachter cannot run is law office blind. He is now possibly facing such issues as clients leaving the office, ethics violations being brought against him for not responding to communications, missing filing deadlines, and the like.

39. Defendant knows this is a business and PAID account and knows that it is the primary email for a Law Office.

40. Part of this paid subscription service to for Defendant to keep the email running in good repair.

41. Defendant is solely responsible to remedy this verification and error issue and to get the mail up and running forthwith.

42. Such is part of the user and service agreement as part of the subscription service.

WHEREFORE, there are two accounts. First, for Breach of Contract and for tortious business dealings. This Court should grant an Order for damages in the amount of \$750,000 for loss of business, risk of business and ethical and professional licenses, and punitive damages in the amount of \$1,000,000 against Defendant, for wantonly delaying a the simple remedy of aiding one single email access, along with general damages, along with legal fees, costs, and other such relief that is warranted and deemed fit.

VERIFICATION

I, David M. Schlachter, do affirm and state as follows under penalty of perjury:

I am the Plaintiff herein. All of the facts are true.

David M. Schlachter
David M. Schlachter – Officer of the Court

New York, New York
May 23, 2023



David M. Schlachter, Esq.
Law Offices of David M.
Schlachter, LLC

8 Carefree Lane
Suffern, New York 10901
(845) 200-2001
(973) 272-4167 fax
Attorneys for Plaintiffs

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

-----X

David M. Schlachter, and Law Offices of David M.
Schlachter, LLC

INDEX NO.

Plaintiff,

v.

SUMMONS

Microsoft Corporation,

Defendant,

-----X

VERIFIED COMPLAINT

This certifies under the CPLR that this pleading is not made frivolously under law and it is only made in good faith.

Law Offices of David M.
Schlachter, LLC
8 Carefree Lane
Suffern, New York 10901
(845) 200-2001
(973) 272-4167 fax
Attorneys for Plaintiff

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

_____ X

David M. Schlachter and Law Offices of David M.
Schlachter, LLC,

Plaintiff,

Index No.

v.

Microsoft Corporation,

Defendants.

_____ X

Application with Notice
ORDER TO SHOW CAUSE
WITH INJUNCTIVE RELIEF

PLEASE TAKE NOTICE, THAT upon reading the annexed affirmations of attorney DAVID M. SCHLACHTER, ESQ. of LAW OFFICES OF DAVID M. SCHLACHTER, LLC, attorneys for Plaintiffs, on May 23, 2023, with the annexed memorandum of law, and upon all the proceedings heretofore had herein, let Defendant or its attorney, show cause before this undersigned Court at IAS Part 1 South Main Street, New City, New York, on the _____ day of _____, 2023, at 9:30 o'clock in the morning thereof, or as soon thereafter as counsel can be heard, why an Order as follows should not be entered:

- (a) Issuing an injunction for Defendant to comply with its service and user agreement and repair all issues to Plaintiffs' subject davids@ladms.com email address; and
- (b) Granting such other and different relief as may be just.

SUFFICIENT CAUSE THEREFORE APPEARING, it is hereby FURTHER

ORDERED that Plaintiff is to respond no later than _____ at _____ o'clock _____ noon.

ORDERED THAT service by a copy of this order and of the supporting papers upon the Plaintiff

be made by facsimile and/or e-mail, and United State Postal Service, on or before _____, 2023, shall be timely and sufficient; it being acknowledged that is unsigned proposed Order to Show Cause was served upon Defendant along with the Summons and Complaint, and it is FURTHER

ORDERED, that this motion shall be submitted and the personal appearance of attorneys for the parties in opposition to the motion shall not be necessary to sign this Order;

and it is FURTHER ORDERED, that because when balancing the prejudice to Plaintiffs and Defendants, and because it likely that Plaintiff will proceed on the merits, and because of the real damage caused daily to Plaintiffs' law practice, and it being irreparably harmed by not having access to the email and thereby courts, correspondence from courts, clients, adversaries, an Temporary Injunction is issued compelling Defendant to comply with its service and user agreements and repair Plaintiffs' email "davids@lawdms.com" immediately, forthwith, as soon as possible.

Dated: _____, New York

_____ day of _____ 2023.

Hon. _____, J.S.C.

TO:
Microsoft
One Microsoft Way
Redmond, WA 98052

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

X

David M. Schlachter, and Law Offices of David M.
Schlachter, LLC

INDEX NO.

Plaintiff,

v.

Microsoft Corporation,

Affidavit by Party


Defendant.

X

I, David M. Schlachter, am the Plaintiff and an office of this Court and stated under penalty of perjury and the rules of the CPLR as follows:

1. I do not know of any other parties who should be joined in this matter.
2. I rely on the Complaint for the statement of facts.
3. I cannot access my email since May 10, 2023.
4. The email is vital in communication with Courts, clerks, United States Trustees, clients, adversaries, and colleagues.
5. The email is also vital for my access to e-filing in New Jersey and with getting updates from the Bankruptcy and New York State Courts.
6. I also need the email to pay loans (verification) and to log in to other business related services.
7. I have been locked out since May 10, 2023.
8. There is no reason why Microsoft cannot remedy this immediately.

9. The equities clearly fall in my favor. Defendant has no reason to delay in remedying my email address, a subscription service that I pay for. It is only a matter of taking my case “seriously.” A law offices’ primary email should be taken with utmost seriousness.
10. Defendant has the resources and ability to remedy this problem immediately.
11. It is part of the user and/or service agreement as part of the subscription service that Defendant will maintain a working email and if the 2 step verification does not work it will remedy it within 36 hours. It is already 2 weeks.



David M. Schlachter, Esq.

Law Offices of David M. Schlachter, LLC

8 Carefree Lane
Suffern, New York 10901
Passaic, NJ 07055
(845) 200-2001
(973 272-4167 fax
Attorney for Plaintiffs

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

X

David M. Schlachter, and Law Offices of David M.
Schlachter, LLC

INDEX NO.

Plaintiff,

v.

Microsoft Corporation,

MEMORANDUM OF LAW

Defendant.

X

Plaintiff does submit this Memorandum of Law in support of their case. This application on notice is made pursuant to CPLR 2217(b) and all other relevant Rules and Laws. The elements required for a preliminary injunction are: (i) likelihood of success on the merits of (he underlying claim; (ii) irreparable injury in the absence of the injunction; and (iii) a balance of the equities in the movant's favor. *Arcimone-Makinano v. Britton Properly, Inc.*, [83 A.D.3d 623](#), [920 N.Y.S.2d 362](#) (2d Dept. 2011); *Hightowner v. Red*, [5 A.D.3d 440](#), [772 N.Y.S.2d 575](#) (2d Dept. 2004); *See also, Aetna Ins. Co. v. Capasso*, [75 N.Y.2d 860](#), [552 N.Y.S.2d 918](#) (1990); *Interfaith Medical Center v. Shahzad*, [124 A.D.2d 557](#), [507 N.Y.S.2d 702](#) (2d Dept. 1986). The purpose of a preliminary injunction is to preserve the status quo until a decision is reached on the merits. *Arcimone-Makinano*, [83 A.D.3d at 623](#).

In our matter, Defendants are clearly responsible to remedy the email access situation and should do it immediately. There should not be weeks and weeks of delays to remedy the access for one email.

David M. Schlachter

David M. Schlachter

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

_____X

David M. Schlachter, and Law Offices of David M.
Schlachter, LLC

INDEX NO.

Plaintiff,

v.

Microsoft Corporation,

Defendant.

_____x

ORDER TO SHOW CAUSE WITH INJUNCTIVE RELIEF

This motion is made by a review of the file and is accurate and not frivolous and required by the CPLR.

David M. Schlachter, Esq.
Law Offices of David M. Schlachter, LLC
8 Carefree Lane
Suffern, NY 10901
(845) 200-2001
(973) 272-4167 fax
Attorney for Defendants

NYSCEF DOC. NO. 4

UCS-840 (rev. 02/01/2022)



REQUEST FOR JUDICIAL INTERVENTION

Supreme COURT, COUNTY OF Rockland

Index No: _____ Date Index Issued: _____

For Court Use Only:	
IAS Entry Date	_____
Judge Assigned	_____
RJI Filed Date	_____

CAPTION Enter the complete case caption. Do not use et al or et ano. If more space is needed, attach a caption rider sheet.

David M. Schlachter, Law Offices of David M. Schlachter, Esq.

Plaintiff(s)/Petitioner(s)

-against-

Microsoft Corporation

Defendant(s)/Respondent(s)

NATURE OF ACTION OR PROCEEDING: Check only one box and specify where indicated.

COMMERCIAL

Business Entity (includes corporations, partnerships, LLCs, LLPs, etc.)

Contract

Insurance (where insurance company is a party, except arbitration)

UCC (includes sales and negotiable instruments)

Other Commercial (specify): _____

NOTE: For Commercial Division assignment requests pursuant to 22 NYCRR 202.70(d), complete and attach the **COMMERCIAL DIVISION RJI ADDENDUM (UCS-840C)**.

TORTS

Adult Survivors Act

Asbestos

Environmental (specify): _____

Medical, Dental or Podiatric Malpractice

Motor Vehicle

Products Liability (specify): _____

Other Negligence (specify): _____

Other Professional Malpractice (specify): _____

Other Tort (specify): _____

SPECIAL PROCEEDINGS

Child-Parent Security Act (specify): Assisted Reproduction Surrogacy Agreement

CPLR Article 75 - Arbitration [see **NOTE** in **COMMERCIAL** section]

CPLR Article 78 - Proceeding against a Body or Officer

Election Law

Extreme Risk Protection Order

MHL Article 9.60 - Kendra's Law

MHL Article 10 - Sex Offender Confinement (specify): Initial Review

MHL Article 81 (Guardianship)

Other Mental Hygiene (specify): _____

Other Special Proceeding (specify): _____

MATRIMONIAL

Contested

NOTE: If there are children under the age of 18, complete and attach the **MATRIMONIAL RJI Addendum (UCS-840M)**.

For Uncontested Matrimonial actions, use the **Uncontested Divorce RJI (UD-13)**.

REAL PROPERTY Specify how many properties the application includes: _____

Condemnation

Mortgage Foreclosure (specify): Residential Commercial

Property Address: _____

NOTE: For Mortgage Foreclosure actions involving a one to four-family, owner-occupied residential property or owner-occupied condominium, complete and attach the **FORECLOSURE RJI ADDENDUM (UCS-840F)**.

Partition

NOTE: Complete and attach the **PARTITION RJI ADDENDUM (UCS-840P)**.

Tax Certiorari (specify): Section: _____ Block: _____ Lot: _____

Tax Foreclosure

Other Real Property (specify): _____

OTHER MATTERS

Certificate of Incorporation/Dissolution [see **NOTE** in **COMMERCIAL** section]

Emergency Medical Treatment

Habeas Corpus

Local Court Appeal

Mechanic's Lien

Name Change/Sex Designation Change

Pistol Permit Revocation Hearing

Sale or Finance of Religious/Not-for-Profit Property

Other (specify): _____

STATUS OF ACTION OR PROCEEDING Answer YES or NO for every question and enter additional information where indicated.

	YES	NO	
Has a summons and complaint or summons with notice been filed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	If yes, date filed: 05/24/2023
Has a summons and complaint or summons with notice been served?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If yes, date served: _____
Is this action/proceeding being filed post-judgment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	If yes, judgment date: _____

NATURE OF JUDICIAL INTERVENTION Check one box only and enter additional information where indicated.

Infant's Compromise

Extreme Risk Protection Order Application

Note of Issue/Certificate of Readiness

Notice of Medical, Dental or Podiatric Malpractice Date Issue Joined: _____

Notice of Motion Relief Requested: _____ Return Date: _____

Notice of Petition Relief Requested: _____ Return Date: _____

Order to Show Cause Relief Requested: Injunction/Restraining Order Return Date: 05/25/2023

Other Ex Parte Application Relief Requested: _____

Partition Settlement Conference

Poor Person Application

Request for Preliminary Conference

Residential Mortgage Foreclosure Settlement Conference

Writ of Habeas Corpus

Other (specify): _____

RELATED CASES List any related actions. For Matrimonial cases, list any related criminal or Family Court cases. If none, leave blank. If additional space is required, complete and attach the RJI Addendum (UCS-840A) .				
Case Title	Index/Case Number	Court	Judge (if assigned)	Relationship to instant case

PARTIES For parties without an attorney, check the "Un-Rep" box and enter the party's address, phone number and email in the space provided. If additional space is required, complete and attach the RJI Addendum (UCS-840A) .				
Un-Rep	Parties	Attorneys and Unrepresented Litigants	Issue Joined	Insurance Carriers
	List parties in same order as listed in the caption and indicate roles (e.g., plaintiff, defendant, 3 rd party plaintiff, etc.)	For represented parties, provide attorney's name, firm name, address, phone and email. For unrepresented parties, provide party's address, phone and email.	For each defendant, indicate if issue has been joined.	For each defendant, indicate insurance carrier, if applicable.
<input type="checkbox"/>	Name: Schlachter, David M. Role(s): Plaintiff/Petitioner	DAVID SCHLACHTER, Law Offices of David M. Schlachter, LLC, 8 Carefree Lane , Suffern, NY 10901, 845 200-2001, davids@lawdms.com	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<input type="checkbox"/>	Name: Law Offices of David M. Schlachter, Esq. Role(s): Plaintiff/Petitioner	DAVID SCHLACHTER, Law Offices of David M. Schlachter, LLC, 8 Carefree Lane , Suffern, NY 10901, 845 200-2001, davids@lawdms.com	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<input checked="" type="checkbox"/>	Name: Microsoft Corporation Role(s): Defendant/Respondent	One Microsoft Way, Redmond, WA 98052	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/>	Name: Role(s):		<input type="checkbox"/> YES <input type="checkbox"/> NO	

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, UPON INFORMATION AND BELIEF, THERE ARE NO OTHER RELATED ACTIONS OR PROCEEDINGS, EXCEPT AS NOTED ABOVE, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION BEEN PREVIOUSLY FILED IN THIS ACTION OR PROCEEDING.

Dated: 05/24/2023

DAVID M. SCHLACHTER
Signature

4461851
Attorney Registration Number

DAVID M. SCHLACHTER
Print Name

This form was generated by NYSCEF

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

_____ X

David M. Schlachter and Law Offices of David M.
Schlachter, LLC,

Plaintiff,

v.

Microsoft Corporation,

Defendants.

_____ X

Index No. 032283/2023

MOT. SEQ. #1

Application with Notice
ORDER TO SHOW CAUSE
WITH INJUNCTIVE RELIEF

PLEASE TAKE NOTICE, THAT upon reading the annexed affirmations of attorney DAVID M. SCHLACHTER, ESQ. of LAW OFFICES OF DAVID M. SCHLACHTER, LLC, attorneys for Plaintiffs, on May 23, 2023, with the annexed memorandum of law, and upon all the proceedings heretofore had herein, let Defendant or its attorney, show cause before this undersigned Court at IAS Part 1 South Main Street, New City, New York, on the _____ day of _____, 2023, at 9:30 o'clock in the morning thereof, or as soon thereafter as counsel can be heard, why an Order as follows should not be entered.

- (a) Issuing an injunction for Defendant to comply with its service and user agreement and repair all issues to Plaintiffs' subject davids@ladms.com email address; and
- (b) Granting such other and different relief as may be just.

SUFFICIENT CAUSE THEREFORE APPEARING, it is hereby FURTHER

ORDERED that Plaintiff is to respond no later than _____ at _____ o'clock
/ _____ noon

ORDERED THAT service by a copy of this order and of the supporting papers upon the Plaintiff

be made by facsimile and/or e-mail, and United State Postal Service, on or before _____, 2023, shall be timely and sufficient; it being acknowledged that is unsigned proposed Order to Show Cause was served upon Defendant along with the Summons and Complaint, and it is FURTHER

ORDERED, that this motion shall be submitted and the personal appearance of attorneys for the parties in opposition to the motion shall not be necessary to sign this Order;

and it is FURTHER ORDERED, that because when balancing the prejudice to Plaintiffs and Defendants, and because it likely that Plaintiff will proceed on the merits, and because of the real damage caused daily to Plaintiffs' law practice, and it being irreparably harmed by not having access to the email and thereby courts, correspondence from courts, clients, adversaries, an Temporary Injunction is issued compelling Defendant to comply with its service and user agreements and repair Plaintiffs' email "david@lawdms.com" immediately, forthwith, as soon as possible.

Dated: _____, New York
____ day of _____ 2023.

Hon. _____, J.S.C.

TO:
Microsoft
One Microsoft Way
Redmond, WA 98052

*Decline to Sign.
Failure to demonstrate
compliance with
22 NYCRR §202.7(f).*



AFFIDAVIT OF SERVICE			
STATE OF NEW YORK	COUNTY OF ROCKLAND	SUPREME	COURT
PLAINTIFF/PETITIONER: DAVID M. SCHLACTER, AND LAW OFFICES OF DAVID M. SCHLACTER, LLC			
VS.			
DEFENDANT/RESPONDENT: MICROSOFT CORPORATION,			
CAUSE NUMBER 032283/2023	ATTORNEY DAVID M. SCHLACTER, ESQ.	DATE FILED 05/24/2023	DEPT. CIVIL
DOCUMENTS SERVED: SUMMONS; COMPLAINT; ORDER TO SHOW CAUSE			

I, **Greg Schermerhorn**, being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action, competent to be a witness therein and that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

That on **May 24th, 2023@1:24pm**, at the address of: **300 Deschutes Way SW, Suite 208, Tumwater, WA 98501**


_____, affiant duly served **Please see above**

in the above entitled action upon **MICROSOFT CORPORATION, c/o Corporation Service Company, Reg. Agent** by then and there personally delivering **one (1)** set(s) of

true and correct copies thereof into the hands of and leaving same with **Cynthia Jones, Customer Service Associate (CSA) for Corporation Service Company, as Registered Agent for the entity named above, authorized to accept.**

Descriptions: Age **55** Sex **Female** Race **Hispanic** Height **5'5"** Weight **155** Hair **Black** Beard **No** Glasses **No**

Additional Comments:

SIGNED and SWORN to or AFFIRMED before me this <u>14th</u> day of June , 20 23

<u>Christopher Glover</u> Notary Signature
<u>Christopher Glover</u> Name Printed
<u>7/23/2025</u> My Appointment Expires

 Process Server
Greg Schermerhorn-Pierce County Reg. # 29178

STING RAY LEGAL SERVICES, INC.
2117 104TH AVENUE EAST, UNIT R-301
EDGEWOOD, WA 98372

JOB INVOICE #: **23-13255-\$95.00**

REFERENCE: **SCHLACTER, et al vs MICROSOFT CORPORATION**