

WACHTELL, LIPTON, ROSEN & KATZ

MARTIN LIPTON
HERBERT M. WACHTELL
THEODORE N. MIRVIS
EDWARD D. HERLIHY
DANIEL A. NEFF
ANDREW R. BROWNSTEIN
MARC WOLINSKY
STEVEN A. ROSENBLUM
JOHN F. SAVARESE
SCOTT K. CHARLES
JODI J. SCHWARTZ
ADAM O. EMMERICH
RALPH M. LEVENE
RICHARD G. MASON
DAVID M. SILK
ROBIN PANOVKA
DAVID A. KATZ
ILENE KNABLE GOTTS
JEFFREY M. WINTNER
TREVOR S. NORWITZ
BEN M. GERMANA
ANDREW J. NUSSBAUM
RACHELLE SILVERBERG

STEVEN A. COHEN
DEBORAH L. PAUL
DAVID C. KARP
RICHARD K. KIM
JOSHUA R. CAMMAKER
MARK GORDON
JEANNEMARIE O'BRIEN
WAYNE M. CARLIN
STEPHEN R. DIPRIMA
NICHOLAS G. DEMMO
IGOR KIRMAN
JONATHAN M. MOSES
T. EIKO STANGE
JOHN F. LYNCH
WILLIAM SAVITT
ERIC M. ROSOF
GREGORY E. OSTLING
DAVID B. ANDERS
ANDREA K. WAHLQUIST
ADAM J. SHAPIRO
NELSON O. FITTS
JOSHUA M. HOLMES
DAVID E. SHAPIRO

51 WEST 52ND STREET
NEW YORK, N.Y. 10019-6150
TELEPHONE: (212) 403-1000
FACSIMILE: (212) 403-2000

GEORGE A. KATZ (1965-1989)
JAMES H. FOGELSON (1967-1991)
LEONARD M. ROSEN (1965-2014)

OF COUNSEL

MICHAEL H. BYOWITZ
KENNETH B. FORREST
SELWYN B. GOLDBERG
PETER C. HEIN
MEYER G. KOPLOW
JOSEPH D. LARSON
LAWRENCE S. MAKOW
DOUGLAS K. MAYER
PHILIP MINDLIN
DAVID S. NEILL
HAROLD S. NOVIKOFF
LAWRENCE B. PEDOWITZ

ERIC S. ROBINSON
PATRICIA A. ROBINSON*
ERIC M. ROTH
PAUL K. ROWE
DAVID A. SCHWARTZ
MICHAEL J. SEGAL
ELLIOTT V. STEIN
WARREN R. STERN
LEO E. STRINE, JR.**
PAUL VIZCARRONDO, JR.
PATRICIA A. VLAHAKIS
AMY R. WOLF

* ADMITTED IN THE DISTRICT OF COLUMBIA
** ADMITTED IN DELAWARE

COUNSEL

DAVID M. ADLERSTEIN
SUMITA AHUJA
AMANDA K. ALLEXON
LOUIS J. BARASH
FRANCO CASTELLI
ANDREW J.H. CHEUNG
PAMELA EHRENKRANZ
KATHRYN GETTLES-ATWA

ADAM M. GOGOLAK
NANCY B. GREENBAUM
MARK A. KOENIG
J. AUSTIN LYONS
ALICIA C. McCARTHY
NEIL M. SNYDER
S. CHRISTOPHER SZCZERBAN
JEFFREY A. WATIKER

DAMIAN G. DIDDEN
IAN BOCZKO
MATTHEW M. GUEST
DAVID E. KAHAN
DAVID K. LAM
BENJAMIN M. ROTH
JOSHUA A. FELTMAN
ELAINE P. GOLIN
EMIL A. KLEINHAUS
KARESSA L. CAIN
RONALD C. CHEN
GORDON S. MOODIE
DONGJU SONG
BRADLEY R. WILSON
GRAHAM W. MELI
GREGORY E. PESSIN
CARRIE M. REILLY
MARK F. VEBLEN
SARAH K. EDDY
VICTOR GOLDFELD
BRANDON C. PRICE
KEVIN S. SCHWARTZ
MICHAEL S. BENN

SABASTIAN V. NILES
ALISON ZIESKE PREISS
TIJANA J. DVORNIC
JENNA E. LEVINE
RYAN A. McLEOD
ANITHA REDDY
JOHN L. ROBINSON
JOHN R. SOBOLEWSKI
STEVEN WINTER
EMILY D. JOHNSON
JACOB A. KLING
RAAJ S. NARAYAN
VIKTOR SAPEZHNIKOV
MICHAEL J. SCHOBEL
ELINA TETELBAUM
ERICA E. BONNETT
LAUREN M. KOFKE
ZACHARY S. PODOLSKY
RACHEL B. REISBERG
MARK A. STAGLIANO
CYNTHIA FERNANDEZ
LUMERMANN
CHRISTINA C. MA

DIRECT DIAL: (212) 403-1140
DIRECT FAX: (212) 403-2140
E-MAIL: JLBROOKE@WLRK.COM

October 15, 2021

Via ECF

Honorable Loretta A. Preska
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, N.Y. 10007

The modified schedule proposed below is approved. The parties shall appear for a conference on Wednesday, January 12, 2022 at 10:00 a.m. **SO ORDERED.**

 10/18/2021

LORETTA A. PRESKA, U.S.D.J.

Re: *Milburn, et al. v. Dogin, et al.*, No. 79 Civ. 5077 (LAP) (S.D.N.Y.)

Dear Judge Preska:

Plaintiffs write to update the Court on the parties' recent discussions about discovery in this matter and to respectfully request, on behalf of the parties, that the Court enter an amended Scheduling Order reflecting the parties' agreed-upon discovery and case-management deadlines, as set out below. In light of the parties' agreement, Plaintiffs also accordingly withdraw their October 11 letter motion for a discovery conference, Dkt. 675.

The parties have had further discussions following the filing of Plaintiffs' October 11 letter motion. Based upon these discussions, it is clear that Defendants are not able to reach substantial completion of document production relating to the Unit for the Physically Disabled

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(“UPD”) by the current deadline of today, October 15, *see* Dkts. 655, 657. Defendants’ incomplete production makes it impossible for Plaintiffs to take depositions by the October 29 deadline for UPD-related fact discovery, and deposition scheduling has also been made considerably more difficult by the current COVID outbreak at Green Haven. The parties therefore have agreed to an approximately two-week extension of the remaining discovery and case-management deadlines, so as to allow document production to be completed consistent with the parties’ discussions and upon Defendants’ representation that such an extension is sufficient for their fulfillment of their discovery obligations. Such an extension will also allow depositions to take place at a time when the current COVID outbreak at Green Haven will hopefully no longer be an obstacle.

The parties accordingly propose the below modified schedule for discovery relating to the UPD and respectfully request that the Court enter an amended Scheduling Order reflecting these deadlines:

- Substantial completion of document production: October 29.
- Close of UPD-related fact discovery: November 17.
- Submission of opening expert reports: November 24.
- Submission of rebuttal expert reports: December 10.
- Close of UPD-related expert discovery: December 17.
- Submission of Plaintiffs’ opposition brief to Defendants’ Motion to Terminate concerning the issues related to the UPD: December 23.
- Submission of Defendants’ reply brief to Plaintiffs’ Opposition to Defendants’ Motion to terminate: January 7, 2022.

The parties also respectfully request that, if the Court’s schedule allows it, a hearing be set for the week of January 10, 2022.

The parties thank the Court for its attention to this case and are available at the Court’s convenience.

Respectfully submitted,

/s/ Justin L. Brooke
Jonathan M. Moses
Justin L. Brooke
Wilfred T. Beaye
Getzel Berger

CC: Counsel for Defendants (via ECF)
A.J. Agnew, Esq. (Class Co-Counsel) (via ECF)