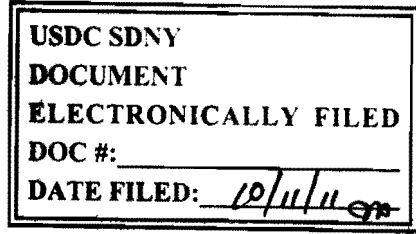


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



JEREMY LEBEWOHL, ET AL.,

Plaintiffs,

-v-

HEART ATTACK GRILL LLC, JON BASSO, and HAG
LLC,

Defendants.

11 Civ. 3153 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

As counsel may be aware, this case has been reassigned to my docket. All current deadlines and schedules ordered by Judge Kaplan remain in effect, including the dates for the completion of discovery. In addition, a conference has been scheduled for Tuesday, October 25, 2011 at 4:00 p.m., to be held in Courtroom 18C at the U.S. Courthouse, 500 Pearl Street, New York, New York 10007. The parties shall be prepared to discuss the background and current posture of the case, as well as any issues that, in either party's view, need to be resolved by the Court prior to trial.

In addition, Defendant's counsel shall send by fax a copy of the August 1, 2011 letter, originally sent by Mr. Kain (dkt no. 18), by the close of business on October 12, 2011. The Court's fax number is (212) 805-7992.

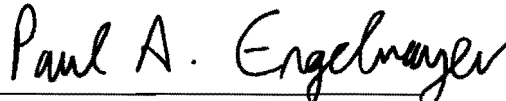
To assist the Court in its supervision of this case, five days before the scheduled conference the parties shall submit to Chambers a joint letter of no more than five pages that includes, in separate paragraphs:

1. A brief statement of the nature of the case and/or the principal defenses thereto;
2. A list of all existing deadlines, due dates and/or cut-off dates;
3. A brief description of any motions which have been made and decided and a confirmation that there are no pending motions;
4. A brief description of the discovery already completed;
5. A listing of the discovery remaining and any scheduled dates therefore;
6. An identification of any discovery remaining which is necessary for the parties to engage in meaningful settlement negotiations;
7. Estimated length of trial and whether a jury has been demanded;

8. If a jury trial has been demanded, a description of any and all prior settlement discussions, including the date and participants and whether any offer or demand was made (all responses to Items 6 and 7 are protected under Rule 408, Fed.R.Evid.);
9. Whether the parties would consent to the exercise of jurisdiction by a United States Magistrate Judge. The parties may consent to the reference of this case to a Magistrate Judge for all purposes, including trial, or to the exercise of jurisdiction by a Magistrate Judge over dispositive motions; and
10. Any other information that you believe may assist the Court in advancing your case to trial or settlement.

Counsel for the Plaintiff is responsible for ensuring that counsel for all parties are alerted to this order. Please consult the Court's Individual Practices, available at <http://www.nysd.uscourts.gov/judge/Engelmayer>, with respect to communications with Chambers and related matters. Based on the Court's review of the case file, it does not appear that there are any pending, unresolved discovery disputes in this matter, with Magistrate Judge Francis having resolved the parties' dispute about certain interrogatories. In the event there are unresolved discovery disputes, the parties are directed to the Court's Individual Practices for instruction as to how to raise these with the Court.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: New York, New York
October 11, 2011