

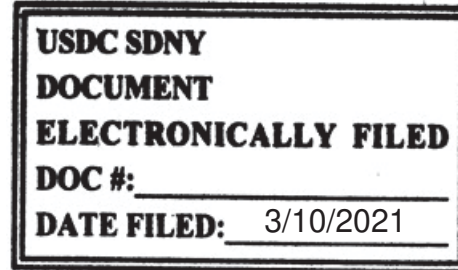
THE LAW OFFICE OF

ELISA HYMAN, P.C.

March 9, 2021

VIA ECF

The Hon. Robert W. Lehrburger
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: M.G., et al. v. NYC Dep't of Educ., 13-cv-4639 (SHS)(RWL)

Dear Judge Lehrburger:

We are writing jointly with Defendants regarding the ESI protocol. All parties respectfully request an extension of time for the current March 15, 2021 deadline to file the ESI Protocol and any disputes concerning the protocol.

Preliminarily, all parties are requesting an extension of time to March 29, 2021 subject to the below. At the present time, Plaintiffs and State Defendants are still negotiating but believe that we can meet this deadline.

Since the Court's last order, all parties have been meeting and conferring on an almost daily basis for extended periods of time, and intend to continue doing so.

However, Plaintiffs and City Defendants respectfully request an expedited conference with the Court early next week, if Your Honor's schedule permits. These parties have agreed to seek the Court's assistance in order to satisfy the process of managing the ESI protocol, as well as the related discovery deadlines.

In Plaintiffs' view, the development of the ESI protocol and related document discovery is critically behind schedule. Despite many hours of meeting and conferring, City Defendants agree that the parties are unlikely able to agree upon a final ESI protocol by the March 15, 2021 deadline, or to have a narrow set of disputes to bring to the Court's attention by March 29, 2021. Even if Plaintiffs were to start initiating the process for discovery motions against City Defendants now or on March 15th, the end result would likely be conferences before Your Honor to try to resolve the issues. As such, given the highly unusual circumstances of the Pandemic and the systemic nature of this case, it seemed more efficient for Plaintiffs and City Defendants to cooperatively and jointly request the Court's assistance.

Plaintiffs and City Defendants propose further that, by March 15, 2021, and prior to the conference, each side submit an "ESI Discovery Settlement Letter" to the Court via email (which

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would not be filed on ECF) of no more than seven pages to explain our positions and concerns, which we can then exchange with each other. During this conference, we propose that each party would first have an opportunity to speak to the Court privately to answer the Court's questions and further clarify our position(s).

We thank the Court for its consideration of these requests.

Sincerely,

/s/ Elisa Hyman

Elisa Hyman, Esq.

cc: Counsel of record

A Discovery Conference is scheduled for **March 23, 2021** at **3:00 p.m.** before Magistrate Judge Robert W. Lehrburger. The parties shall call the teleconference line at **(888) 398-2342** and enter access code **9543348**. The parties are instructed to review and adhere to Judge Lehrburger's individual rules and practices.

SO ORDERED:

3/10/2021



HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE