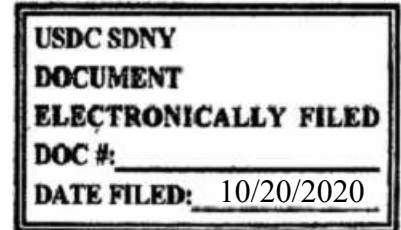


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October 19, 2020



Honorable Barbara Moses
 United States District Court
 Southern District of New York
 United States Courthouse
 500 Pearl Street
 New York, New York 10007

MEMO ENDORSED

Re: *Pruter v. Local 210, Int'l Bhd. of Teamsters, et al.*, Case No. 15-cv-1153 (AT)

Dear Judge Moses:

We write on behalf of defendant Local 210 concerning the settlement conference presently scheduled for October 26. Following the parties' joint report to Your Honor on September 1 concerning the status of settlement discussions, the parties appeared for a status conference before Judge Torres on September 17. During that conference, Judge Torres postponed the trial date to February 8, 2021. Judge Torres also granted Local 210's request to file an early motion in limine to preclude plaintiffs from calling certain witnesses as part of their liability case; any other motions in limine cannot be filed until December 14. Docket No. 124.

The parties have made no further progress on settlement since the joint report to Your Honor on September 1. Local 210 anticipates that Judge Torres' decision on the pending motion in limine, as well as her decision on defendant's prospective motion(s) in limine concerning the damages available to plaintiffs, will give the parties greater clarity than they currently possess as to their leverage at trial.

Local 210 is appreciative of Your Honor's efforts at the first settlement conference on July 14 and is mindful that Your Honor agreed to oversee a second settlement conference only at the parties' request. We do not want to waste Your Honor's time. Accordingly, Local 210 respectfully requests that the October 26 settlement conference be postponed until after such time as Judge Torres has ruled on the pending and prospective motions in limine. This is Local 210's first request to adjourn the settlement conference.

On October 12, Local 210 advised plaintiffs by email that it intended to seek an adjournment of the settlement conference for the reasons set forth in this letter, and sought plaintiffs' consent to file a joint letter requesting an adjournment. On October 14, plaintiffs

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advised that they opposed any adjournment of the conference and would respond more fully later. To date, plaintiffs have not provided a reason for their opposition.

On October 16, Local 210 advised plaintiffs by email that, since there is no way to know when Judge Torres will rule on the current and anticipated motions in limine, it intended to ask Your Honor to reschedule the settlement conference for the weeks of January 11 or January 18, 2021. Plaintiffs did not respond. On October 19, Local 210 again sought plaintiffs' availability for a conference the weeks of January 11 or January 18, 2021. To date, plaintiffs have not confirmed their availability during those weeks.

Local 210 is available for a conference on any day during the weeks of January 11 and January 18, 2021.

Respectfully submitted,

/s/ Kate M. Swarengen

Kate M. Swarengen

Application GRANTED. The settlement conference currently scheduled for October 26, 2020 from 2:15 to 4:15 p.m. shall take place on **January 12, 2021 from 2:15 to 4:15 p.m.** All other requirements of the Court's Order Scheduling Settlement Conference (Dkt. No. 123) remain in effect. SO ORDERED.



Barbara Moses, U.S.M.J.

October 20, 2020