

LAW OFFICE OF  
**JUSTIN A. ZELLER, P.C.**

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October 27, 2021

**VIA ECF**

Hon. Edgardo Ramos, United States District Judge  
United States District Court for the Southern District of New York  
Thurgood Marshall United States Courthouse

Re: *Alvarado Balderramo et al v. Go New York Tours Inc. et al*, 15 CV 2326 (ER)

Dear Judge Ramos:

This firm represents the plaintiffs in the above-referenced action. The plaintiffs move to extend the discovery deadline from October 29, 2021, until December 31, 2021. The defendants do not consent to this request because defendants do not have any additional discovery to complete. If the request to extend discovery is granted, plaintiffs also move to adjourn the October 29, 2021, post-discovery conference until after discovery is completed. Defendants also do not consent to this request to adjourn the October 29, 2021, conference. The reasons for this request are outlined below.

First, plaintiffs will be seeking to depose Pedro Montero pursuant to a subpoena that was issued today. *See* ECF No. 317. Defendants operate a tour bus company, and the class in this case is made up of bus drivers who claim, among other things, that they were not paid for all the hours they spent driving the tour busses to and from defendants' bus yard prior to October 2014. Mr. Montero was a bus yard supervisor for defendants who reported the hours bus drivers worked to defendants' payroll. *See* Baran Dep., ECF No. 257-34, 12:17-25. Therefore, Mr. Montero has knowledge crucial to this case.

After Eduard Baran's deposition on June 30, 2021, where testimony was provided regarding Mr. Montero, defendants claimed they would be representing Mr. Montero in this action, so plaintiffs served defendants a notice of deposition on July 6, 2021. The parties subsequently conferred and rescheduled Mr. Montero's deposition to September 28, 2021. On the eve of the deposition, defendants claimed they could not produce Mr. Montero for a deposition because he was hospitalized. Plaintiffs thereafter reached out numerous times to reschedule, and defendants provided no alternate dates, but instead informed plaintiffs on October 21, 2021, that they no longer represented Mr. Montero. Today, plaintiffs issued a subpoena for Mr. Montero, and plaintiffs will endeavor to serve the subpoena if this request to extend discovery is granted.

Second, plaintiffs seek additional time so that the Court can resolve plaintiffs' contemplated motions to hold certain deponents in contempt and compel their responses to previously issued subpoenas. Plaintiffs have brought this issue before the Court in a separate letter seeking a pre-motion conference, filed today. *See* ECF No. 318. Plaintiffs take the position that these issues

# MEMO ENDORSED

Plaintiffs' request to extend the discovery deadline from October 29, 2021 until December 31, 2021 is GRANTED. The case management conference scheduled for October 29, 2021 is hereby adjourned until January 7, 2022 at 9:30 a.m. It is SO ORDERED.

The application is  granted  
 denied



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Edgardo Ramos, U.S.D.J

Dated: 10/28/2021

New York, New York

can be resolved notwithstanding the expiration of fact discovery, but they are nonetheless reasons for the extension of the discovery deadline.

I thank the Court for its time and consideration.

Respectfully submitted,



John M. Gurrieri