

LAW OFFICE OF
JUSTIN A. ZELLER, P.C.JUSTIN A. ZELLER
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April 27, 2021

VIA ECFHon. Paul G. Gardephe, United States District Judge
United States District Court for the Southern District of New York
Thurgood Marshall United States CourthouseRe: *Villalva Estrada et al v. Giovanni's Italian Eatery, Inc. et al*, 16 CV 6162 (PGG)

Dear Judge Gardephe:

This firm represents the plaintiff in the above-referenced action. The plaintiff moves for a thirty-day extension of today's deadline to submit further information regarding the ownership of Giovanni's Italian Eatery, Inc. The defendants do not consent to this motion. The plaintiff has made significant efforts to obtain additional information but requires more time to receive responses.

On April 20, 2021, the plaintiff made the following Freedom of Information Law of New York ("FOIL") requests. First, plaintiff made a FOIL request with the New York Department of State for the certificate of incorporation and official filing receipt for Giovanni's Italian Eatery, Inc. Second, plaintiff made a FOIL request with the New York State Department of Taxation and Finance for the New York State Certificate of Authority to Collect Sales Tax for Giovanni's Italian Eatery, Inc. Third, the plaintiff submitted a FOIL request upon the New York City Department of Health asking for all food service establishment permits and accompanying application materials for Giovanni's Italian Eatery, Inc., since 2013. Today, the New York State Department of Taxation and Finance responded and informed plaintiff it will need until June 18, 2021, to respond to the FOIL request whereby the request may be responded to or denied. The plaintiff hopes to sooner receive responses to the other FOIL requests.

On April 27, 2021, the plaintiff sent a subpoena to the New York City Department of Health asking for all food service establishment permits and accompanying application materials for Giovanni's Italian Eatery, Inc., since 2013, inclusive of any photo IDs submitted with the application materials. Presenting photo identification is an application requirement for obtaining a food service establishment permit and may shed light on whether Mentor Perlaska submitted the application. The plaintiff sent the subpoena to the Department of Health's office of general counsel by email today, and received a signed admission of service for the subpoena which has been filed with the Court. The response to the subpoena is due on May 11, 2021.

The plaintiff requests the additional time to allow time to receive responses to the FOIL requests and subpoena.

I thank the Court for its time and consideration.

Respectfully submitted,

John M. Gurrieri

John M. Gurrieri

MEMO ENDORSED

The Application is granted.

SO ORDERED:

Paul G. Gardephe
Paul G. Gardephe, U.S.D.J.

Dated: April 28, 2021