



THE CITY OF NEW YORK  
LAW DEPARTMENT

100 CHURCH STREET  
NEW YORK, NY 10007

JAMES E. JOHNSON  
Corporation Counsel

*Ivan A. Mendez, Jr.*  
Assistant Corporation Counsel  
Labor & Employment Law Division  
phone: 212-356-2450  
fax: 212-356-8760  
imendez@law.nyc.gov

May 28, 2021

SO ORDERED

VIA ECF

Honorable George B. Daniels, U.S.D.J.  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

The status conference is adjourned from  
June 2, 2021 until July 7, 2021 at 9:45 a.m.

JUN 01 2021

*George B. Daniels*  
HON. GEORGE B. DANIELS

Re: Kroustallis, et al. v. City of New York, et al.  
16 Civ. 8421 (GBD)  
Smyth, et al. v. City of New York, et al.  
17 Civ. 492 (GBD)  
Henry, et al. v. City of New York, et al.  
16 Civ. 9971 (GBD)  
Request for Adjournment of January 13 Conference

Dear Judge Daniels:

My Office represents defendants in the above-referenced Fair Labor Standards Act ("FLSA") putative collective actions. We write, as instructed by Chambers, to respectfully request that the conference currently scheduled for June 2, 2021 at 9:45 a.m., be adjourned to a date in September 2021, or thereafter, that is convenient for the Court, and to provide a status of discovery to this Court in lieu of the conference.

The parties continue to work cooperatively to move discovery forward in these cases, with the exchange of further documents and information. To that end, defendants have obtained updated City payroll data and provided the same to plaintiffs in the *Kroustallis* case, and will provide updated DOE payroll data in the *Henry* case in the near-term. In addition, defendants have produced over 1,000 pages of documents concerning CityTime, the City's timekeeping system, and will additionally produce further documents in the *Henry* and *Smyth* matters this week. Plaintiffs plan to produce a significant portion of discovery responses by the end of June.

The parties have been hampered in their efforts to obtain documents from, and otherwise reach, certain clients. However, the parties believe that they will be in a position to commence depositions in this matter in the near term.

Defendants still believe that a negotiated resolution of these actions may be in all the parties' best interests, and to that end, anticipate making an updated settlement offer to the plaintiffs.

We thank the Court for its consideration of this request.

Respectfully submitted,

*/s/ Iván A. Méndez, Jr.*

---

Iván A. Méndez, Jr.  
Assistant Corporation Counsel

cc: All counsel of record  
(Via ECF)