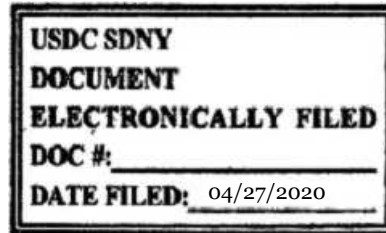




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MEMO ENDORSED

April 24, 2020

VIA ECF

Hon. Barbara Moses
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Room 740
New York, NY 10007

Application DENIED. The Court GRANTS plaintiffs' request for a pre-motion discovery conference (Dkt. No. 107) and will conduct a telephonic pre-motion discovery conference on **May 14, 2020 at 10:00 a.m.** At that time the parties are direct to call (888) 557-8511 and enter the access code 7746387. In advance of the conference, and no later than **May 11, 2020**, the parties shall file a joint letter succinctly stating their respective positions on the plaintiffs' motion and the status of their ongoing attempts to resolve the dispute among themselves. If the parties resolve the dispute among themselves prior to May 11, plaintiff shall promptly withdraw its request for a pre-motion discovery conference.

Barbara Moses, U.S.M.J.
April 27, 2020

Re: Julian, et al. v. Metropolitan Life Insurance Co., No. 1:17-cv-00957-AJN-BCM
Motion to Compel 30(b)(6) Designee on MetLife's ESI

Dear Magistrate Judge Moses:

We write regarding Plaintiffs' request for a pre-motion conference to compel a 30(b)(6) designee on Defendant Metropolitan Life Insurance Company's ("MetLife") electronically stored information ("ESI"). Plaintiffs filed this request via letter motion on February 20, 2020, Dkt No. 107, and Defendant filed a response in opposition on February 25, 2020, Dkt. No. 110. On February 28, 2020, the Parties jointly informed the Court that they had agreed to further meet and confer on the issues raised in their letters in order to attempt to resolve their dispute without further need for court intervention. Dkt. No. 113. On March 5, 2020, on March 13, 2020, on April 3, 2020, and on April 10, 2020, the parties informed the court that they were continuing their efforts to resolve their dispute. Dkt. No. 116, 123, 130, & 136.

In March and early April, Defendant's counsel conducted interviews with potential 30(b)(6) designees and drafted written descriptions of certain systems about which Plaintiffs seek testimony. On April 9, 2020, Defendant's counsel provided those written descriptions to Plaintiffs' counsel after relevant MetLife personnel reviewed the descriptions to ensure their accuracy. On April 15, 2020, after reviewing ESI descriptions, Plaintiffs' counsel provided Defendant's counsel with written questions concerning the systems, a request for documents relating to the ESI systems, and a request that Defendant ultimately provide its written ESI summaries under oath. Defendant's counsel is working on providing responses to these requests, which may mitigate the need for 30(b)(6) testimony on certain of the ESI systems.

Accordingly, the Parties jointly request that the Court continue to hold Plaintiffs' motion, Dkt. No. 107, in abeyance, and not set a date for a pre-motion conference until May 11, 2020. The Parties intend to inform the Court by May 8, 2020 as to whether they have resolved their dispute.

Hon. Barbara Moses

April 24, 2020

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Respectfully,

/s/ David H. Tracey

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