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August 3, 2022

VIA ECF

Hon. Paul G. Gardephe
United States District Court
Southern District of New York
40 Foley Square, Room 705
New York, NY 10007

RE: *Bytemark, Inc. v. Xerox Corp. et al.*, 1:17-cv-01803-PGG-KNF, joint request to stay the case pending Court's decision on NJ Transit's motion for summary judgment

Dear Judge Gardephe:

Plaintiff Bytemark, Inc. ("Bytemark") and Defendants Xerox Corp., ACS Transport Solutions, Inc., Xerox Transport Solutions, Inc., Conduent, Inc. ("Conduent"), and New Jersey Transit Corp. ("NJ Transit") (collectively, "Defendants") submit this joint letter to respectfully request that the Court stay the case until the Court's ruling on NJ Transit's proposed motion for summary judgment.

On July 21, 2022 the Court granted NJ Transit's motion to stay, with the exception that discovery on the issue of sovereign immunity would be permitted. *See* Dkt. No. 188 at 1. The Court also set forth a briefing schedule for NJ Transit's motion for summary judgment. *See* Dkt. No. 188 at 2. Because information potentially relevant to liability and damages is in the custody and control of NJ Transit, it is impractical and inefficient for the parties to proceed with discovery on a piecemeal basis without the benefit of discovery from NJ Transit.

Accordingly, the parties respectfully request that the Court stay the case (with the exception of discovery relating to NJ Transit's claim of sovereign immunity) until the Court's decision on NJ Transit's proposed motion for summary judgement.

Respectfully submitted,

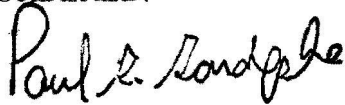
/s/ Dariush Keyhani
Dariush Keyhani

Served on Defendants' counsel of record via CM/ECF.

Memo Endorsed: The application is granted. This case will be stayed pending the Court's decision on New Jersey Transit's proposed motion for summary judgment. The conference scheduled for October 6, 2022 is adjourned sine die.

Dated: August 9, 2022

SO ORDERED.

A handwritten signature in black ink that reads "Paul G. Gardephe". The signature is written in a cursive style with a large initial "P".

Paul G. Gardephe
United States District Judge