



MEMO ENDORSED

**PELTON GRAHAM LLC**

ADVOCATES FOR JUSTICE

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 DATE FILED: 4/9/2024

April 9, 2024

 Brent E. Pelton, Esq.  
 Pelton@PeltonGraham.com
**VIA CM/ECF**
 Honorable Andrew L. Carter, Jr.  
 United States District Court  
 Southern District of New York  
 40 Foley Square, Room 435  
 New York, New York 10007

**Re: *Moses, et al. v. Consolidated Edison Company of New York, Inc., et al.***  
**Civil Action No.: 18-CV-1200 (ALC)(OTW)**

Dear Judge Carter:

This office, along with our co-counsel, represents the plaintiffs in the above-referenced action. We write to respectfully request (1) an extension of the deadline by which plaintiffs must file a motion for clarification and reconsideration of the Court's March 28, 2024 Opinion & Order granting Consolidated Edison Company of New York, Inc.'s ("Con Ed") motion for summary judgment (Dkt. No. 736 [the "Order"]); (2) an extension of the deadline by which plaintiffs must file a motion to certify the Order for interlocutory appeal; and (3) a stay of all discovery deadlines pending a settlement conference with Magistrate Judge Wang<sup>1</sup>. Defendants consent to the filing of the motion for clarification to the extent the Order addressed Count Ten of the operative complaint and agreed to a temporary discovery stay pending the settlement conference, but Defendants reserve the right to oppose any motion for reconsideration or for interlocutory appeal of the Order.

Pursuant to Local Civil Rule 6.3, a motion for reconsideration must be served within fourteen (14) days after the entry of the court's determination of the original motion. Plaintiffs anticipate making a motion for clarification and reconsideration of the Order and for leave to seek interlocutory appeal concerning the Order. The current deadline for seeking such relief is Thursday, April 11, 2024. Plaintiffs have conferred with counsel for Con Ed and all parties agree to the short extension of the filing deadline and the following briefing schedule for the anticipated motion:

Plaintiffs' Deadline to File the Motion(s):	April 25, 2024
Con Ed's Deadline to Oppose the Motion(s):	May 9, 2024
Plaintiffs' Deadline to Reply:	May 16, 2024

<sup>1</sup> This letter replaces the one filed with the Court on April 5, 2024 at Docket No. 737, which was inadvertently filed without any content.

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Request to Extend Deadline for Plaintiffs' Motion for Reconsideration and Stay of Deadlines

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In addition, the parties have conferred and have agreed to revisit their prior settlement discussions by attending a further settlement conference before Magistrate Judge Wang.<sup>2</sup> In order to dedicate the parties' resources to their settlement efforts, rather than to completing several outstanding depositions and expert discovery, the parties believe that a stay of all discovery, including the current May 10, 2024 deadline for fact discovery and June 14, 2024 deadline for expert discovery, pending the outcome of the settlement conference is appropriate.

This is the first request to extend the deadline by which plaintiffs can make a motion for reconsideration of the Summary Judgment Order and for certification of the Order for interlocutory appeal and it is made on consent of all parties.

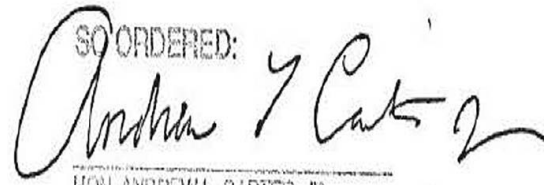
We appreciate Your Honor's attention to this matter.

Respectfully submitted,

*/s/ Brent E. Pelton*

Brent E. Pelton, Esq. of  
PELTON GRAHAM LLC

cc: All counsel (via CM/ECF)  
Chambers of Hon. Andrew L. Carter, Jr. (via e-mail)

SO ORDERED:  
  
\_\_\_\_\_  
HON. ANDREW L. CARTER, JR.  
UNITED STATES DISTRICT JUDGE

Dated: April 9, 2024  
The Clerk of the Court is  
respectfully directed to  
terminate the motion filed  
at ECF No. 737

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<sup>2</sup> The parties intend to file a separate request with Magistrate Judge Wang regarding scheduling a settlement conference.