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△ ALSO ADMITTED NJ

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# MEMO ENDORSED

November 17, 2019

**BY ECF**

Honorable Barbara C. Moses  
 United States Magistrate Judge  
 United States Courthouse  
 500 Pearl Street  
 New York, NY 10007

Re: *Small v. Barr*, 18 Civ. 5659 (BCM)

Application GRANTED. SO ORDERED.



Barbara Moses, U.S.M.J.  
 November 18, 2019

Dear Judge Moses:

This law firm represents Plaintiff Julie Small in the above-referenced matter. On November 12, 2019, the Court granted my motion to extend the time to file Plaintiff's Opposition Papers to Defendant's Motion for Summary Judgment from November 11, 2019 to November 15, 2019. (Dkt. No. 58). The Court previously granted Plaintiff's request for a two-week extension. (Dkt. No. 54).

Despite my very best efforts, I was unable to submit Plaintiff's responding papers on Friday, November 15, 2019, but had to file them this evening. I needed the weekend (all weekend) to complete our submission. The only excuse I have is that for a single plaintiff sexual harassment case the record is vast, inclusive of a six-day hearing before the U.S. Equal Employment Opportunity Commission consisting of over 1500 pages of testimony. As an indication of its size, Plaintiff's brief makes over 150 citations to the record.

I am an experienced practitioner, representing employees in litigation and non-litigative matters, and this is the first time I have missed a filing deadline and needed to ask the Court for a retroactive extension. I believe that Ms. Small has meritorious claims and it would be tragic if after six years of fighting (the precipitating event occurred in October 2013) her case were dismissed because of her attorney missing a filing deadline.

Of course, I will consent to any request by defense counsel for an equivalent or longer extension.

Thank you for your attention to this matter.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
John A. Beranbaum

cc: Andrew Krause, Esq.  
Rachael Doud, Esq.  
Brenna Rabinowitz, Esq.