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May 18, 2023

**VIA CM/ECF**

Honorable Ronnie Abrams  
United States District Judge  
United States District Court for the  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**Re: *Armouth International, Inc. v. Michael Fallas, Case No. 1:19-cv-03669***

Dear Judge Abrams:

We are counsel to defendant Michael Fallas in this action. We write respectfully to request an adjournment of the trial date recently scheduled in this matter from August 7, 2023 to September 2023, or at a time convenient for the Court. This is Mr. Fallas's first request for such an adjournment. We have consulted with counsel for plaintiff Armouth International, Inc. ("Armouth"), and are authorized to represent while Armouth does not join in the request for an adjournment, under the circumstances as described by counsel and as set forth below, it does not object to Mr. Fallas's request.

As Your Honor is aware, the parties first conferred as to trial availability the last week of April 2023 following a telephone conference before the Court. *See* ECF No. 114. Armouth indicated its availability for a potential August 7 trial date but Mr. Fallas had not yet obtained the availability of all his witnesses. *Id.* On May 1, 2023, the Court set trial for August 7 and the final pre-trial conference for August 3, 2023. *See* ECF No. 115.

The parties conferred on May 11, 2023, during which time we raised availability concerns with counsel for Armouth. Counsel agreed to discuss the subject further and inform the Court promptly regarding a requested adjournment. The following week, I informed Armouth's counsel of an immovable conflict. Specifically, a key member of our trial team has a long-scheduled and prepaid vacation out of the country that conflicts with the current trial schedule, including the final pre-trial conference.

Mr. Fallas does not seek this adjournment for purposes of delay. In addition, this adjournment will serve the interests of justice and efficiency as replacing any member of the trial team at this stage would take significant time, frustrate Mr. Fallas's defense, and incur additional and unnecessary expense as the parties prepare for trial. The parties can otherwise comply with the Court's deadlines, should the Court prefer to retain those. The parties further believe trial can

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be completed in one week. With respect to settlement and/or mediation, the parties are pursuing those discussions.

Accordingly, Mr. Fallas respectfully requests that trial be adjourned to September 2023, or a date convenient for the Court. We are authorized to represent that both sides are available in September except for Rosh Hashanah (September 15-16) and Yom Kippur (September 25).

We appreciate the Court's time and consideration.

Respectfully submitted,



Robert J. Kirshenber

cc: (via CM/ECF)  
Peter N. Wang, Esq.  
Benjamin I. Bassoff, Esq.  
Foley & Lardner  
*Counsel for Armouth International, Inc.*

The first date the Court is available to schedule trial in this matter after August 2023 is November 2023. Accordingly, the parties shall be prepared to try this case on November 6, 2023. In accordance with the Court's individual rules, they shall submit a joint pretrial order, motions in limine, proposed findings of fact and conclusions of law, and pretrial memoranda of law by October 13, 2023; any oppositions shall be filed by October 20, 2023. A final pretrial conference is scheduled November 2, 2023 at 4:00 p.m. No further adjournments will be granted absent good cause. The parties shall notify the Court promptly to the extent they seek referral to the Court-annexed mediation program or to Magistrate Judge Figueredo for settlement discussions.

SO ORDERED.



Hon. Ronnie Abrams  
May 22, 2023