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September 3, 2021

VIA ECF

The Honorable Sarah L. Cave
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: Bernstein et al v. Cengage Learning, Inc., Case No. 1:19-cv-07541-ALC-SLC

Dear Magistrate Judge Cave:

Defendant Cengage Learning, Inc. submits this letter motion to respectfully request, with the consent of Plaintiffs, the further adjournment of a deadline set in the Court's Interim Scheduling Order (Dkt. 71) (the "Order"). In particular, the Order provided that, "[w]ithin fourteen (14) days of the undersigned's decision on the Motion for Leave to File a First Amended Complaint," the parties shall "submit a proposed Case Management Plan and Scheduling Order" (the "CMP Submission Date"). Order at ¶ 5. Your Honor issued the decision contemplated by that Order on April 22, 2021 in the form of a Report and Recommendation to Judge Carter (the "R&R," *see* Dkt. 95), which set the CMP Submission Date as May 6, 2021.

Cengage filed an objection to the R&R before Judge Carter, and, at the request of the parties, Your Honor previously granted a first adjournment of the CMP Submission Date to the earlier of fourteen (14) days after a decision with respect to the R&R by Judge Carter, or July 9, 2021. *See* Dkt. 98 (May 7, 2021). On July 8, 2021, Your Honor granted a second adjournment of the CMP Submission Date to the earlier of fourteen (14) days after a decision with respect to the R&R by Judge Carter, or September 7, 2021. *See* Dkt. 110 (July 8, 2021). Judge Carter has not yet issued a decision on Cengage's objection, and the parties have agreed to a proposed adjournment in a further effort to avoid a dispute while Judge Carter reviews Cengage's objection.

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The parties thus respectfully request an adjournment of the CMP Submission Date to the earlier of fourteen (14) days after a decision with respect to the R&R by Judge Carter, or November 10, 2021. In the event Judge Carter has not issued such a decision by November 10, 2021, both parties reserve all rights and arguments with respect to whether a case management plan and scheduling order is appropriate as of that date.

Respectfully submitted,



James F. Rittinger

cc: All attorneys of record, via ECF

The parties' letter-motion requesting an adjournment of the proposed Case Management Plan submission deadline ("Proposed CMP") (ECF No. 113) is GRANTED. The parties shall submit the Proposed CMP by "the earlier of fourteen (14) days after a decision with respect to the R&R by Judge Carter, or November 10, 2021."

The Clerk of Court is respectfully directed to close ECF No. 113.

SO ORDERED 9/7/2021


SARAH L. CAVE
United States Magistrate Judge