

DORF & NELSON^{LLP}

The International Corporate Center, 555 Theodore Fremd Avenue, Rye, NY 10580

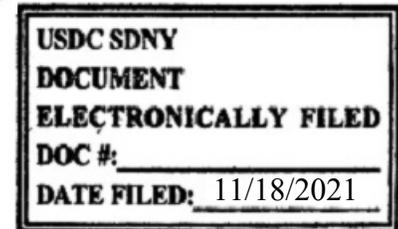
Telephone: 914.381.7600 · www.dorflaw.com · Facsimile: 914.381.7608

MEMO ENDORSED

November 17, 2021

VIA ECF

The Honorable Barbara Moses
 United States Magistrate Judge
 United States District Court
 Southern District of New York
 500 Pearl Street, Room 740
 New York, New York 10007



Re: *Henao et al. v. Parts Authority, LLC et al.* – Case No. 19-cv-10720 (LGS) (BCM)

Dear Judge Moses:

As counsel for the Diligent defendants in the above-referenced action, we write to request that the Court suspend tomorrow's deadline for submission of a red-lined ESI Protocol (Dkt. No. 189). Last week Defendants accepted Plaintiffs' monetary settlement demand which I then incorporated into a draft agreement mirroring the terms that previously had been accepted by Plaintiffs' counsel and which Judge Schofield found "fair and reasonable" with respect to three opt-in plaintiffs in this case (Dkt. No. 192). On Monday we sought to file a joint letter adjourning the ESI Protocol deadline, but Plaintiffs' counsel did not consent to our filing at that point, asserting that they had edits to the draft agreement which they "plan to spin around by tomorrow [i.e., yesterday]."

As of this time, Plaintiffs' counsel has offered no revisions to the settlement agreement nor have they answered my follow up request for their comments. Defendants believe it is wasteful to spend attorney time (and incur fees) editing an ESI protocol that is unlikely to be necessary and therefore make this request unilaterally.

Respectfully submitted,

Andrew P. Marks

cc: Counsel of Record via ECF

Application **GRANTED**.

No later than December 2, 2021, the parties shall submit their agreed-upon ESI Protocol to be reviewed by the Court. If they are unable to agree, they shall instead submit a joint letter briefly identifying the points of disagreement, without extended argument, and attach the competing drafts, together with a red-line showing the differences.

SO ORDERED.

United States Magistrate Judge
 November 18, 2021