

Cooley**MEMO ENDORSED**

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/26/2020

Celia Goldwag Barenholtz
T: +1 212 479 6330
cbarenholtz@cooley.com

August 26, 2020

VIA ECF

Honorable Valerie Caproni
United States District Court
Southern District of New York
Submitted via ECF

Re: Trader v. SeatGeek, Case No. 20-cv-03248-VEC

Dear Judge Caproni:

We represent Defendant SeatGeek, Inc. in the above-referenced matter. We are writing on behalf of both parties to request (a) an adjournment of Initial Pretrial Conference set for September 18, 2020, and (b) an extension of Defendant's time to move, answer or otherwise respond to the First Amended Complaint, in order to allow the parties to engage in mediation.

This action was filed on April 24, 2020. Plaintiffs Snyder and Anderson¹ filed their First Amended Complaint on May 18 [Dkt. 13]. On June 6, Plaintiffs asked the Court adjourn the Initial Pretrial Conference in light of their pending Motion for Transfer Pursuant to 28 U.S.C. § 1407 before the Judicial Panel on Multidistrict Litigation [Dkt. 14]. The Court granted Plaintiffs' request and adjourned the Initial Pretrial Conference until September 18. [Dkt. 15]. On July 29, Defendant filed a stipulation accepting service and reflecting the parties' agreement that Defendant would move, answer or otherwise respond to the First Amended Complaint by the later of September 4, 2020, or 30 days after the ruling on the Motion to Transfer. [Dkt. 19]. On August 6, the Panel denied Plaintiffs' request to transfer the matter. [MDL No. 2951 IN RE: Secondary Ticket Market Refund Litigation, Dkt. 36]. Pursuant to the prior stipulation, Defendant's deadline to move, answer or otherwise respond to the First Amended Complaint is September 8.

Counsel for Plaintiffs and Defendant subsequently conferred, and the parties agreed to enter into a mediation in an effort to reach a consensual resolution of the Plaintiffs' claims. The parties are in the process of selecting a mediator and scheduling a mediation date.

The parties believe that a stay of proceedings before this Court will assist them in reaching an expedient resolution. This is Defendant's first request for adjournment and the second request for an adjournment in the action.

Therefore, the parties respectfully request the Court adjourn the Initial Pretrial Conference set for September 18, 2020 at 10:00 a.m. and stay the deadline for Defendant SeatGeek to move, answer or otherwise respond to Plaintiffs' First Amended Complaint until 30 days following the completion of mediation if the parties are unable to resolve the dispute.

¹ The Plaintiff in the original Complaint, William Trader, withdrew and was replaced by Plaintiffs Dustin Snyder and Lindsey Anderson in the First Amended Complaint.



Honorable Valerie Caproni
United States District Court
Southern District of New York
Submitted via ECF

August 26, 2020
Page Two

Respectfully yours,

/s/ Celia Goldwag Barenholtz

CGB

Application GRANTED. This case is STAYED pending the parties' attempts to resolve this matter. The parties are directed to provide joint updates every 3 months regarding the status of mediation. The first update is due on **December 1, 2020**.

SO ORDERED.

A handwritten signature in blue ink that reads "Valerie Caproni".

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

8/26/2020