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April 23, 2021

VIA ECF

The Honorable Analisa Torres
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 15D
New York, New York 10007

Re: *Fitzgerald v. The We Company d/b/a WeWork, et al.*
Index No. 1:20-cv-05260-AT

Dear Judge Torres:

We represent defendants We Work Management LLC (“WeWork” or the “Company”), Danny Duong, and David Stiles (collectively, “Defendants”) in this matter. We write on behalf of the parties to request a three-week extension of the April 26, 2021 deadline for submission of Defendants’ pre-motion letter in support of its anticipated summary judgment motion and plaintiff’s opposition to Defendants’ proposed Rule 56.1 Statement of Material Facts. No prior requests have been made for an extension of this date. The parties had previously made a joint request for an extension of discovery dates on February 12, 2021, which the Court granted in part and denied in part.

As noted in the parties’ joint report to the Court on April 21, 2021, we had intended to file our pre-motion letter on April 26, 2021. Upon receipt this morning of Defendants’ Rule 56.1 Statement of Material Facts, Plaintiff’s counsel objected on the grounds that Plaintiff was given only one business day to respond to the 167-paragraph Statement and that the witness declarations cited in the Statement have not yet been provided. In response, we explained to Plaintiff’s counsel that we had worked diligently to get the Statement to him and that we will promptly provide the declarations, but they merely track limited language in the Statement and attach the exhibits referenced in the statement by production number or deposition exhibit number (all of which have been produced). In any event, Plaintiff’s counsel estimates that he needs three weeks to respond. The added time will also allow for the parties to include in their submissions, as appropriate, documents to be produced in response to Plaintiff’s Third and Fourth Supplemental Requests for Documents, which are due on April 26 and 28, respectively, and Plaintiff’s responses to Defendants’ Requests for Admissions, which are due on May 12 (as referenced in the parties April 21 joint letter). Accordingly, these factors further support the three-week adjournment request, which would make the pre-motion submission due on May 17, 2021.

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If the Court grants this request, then it may wish to adjourn the conference currently scheduled for April 28, 2021 to a date after May 17, 2021.

Thank you for Your Honor's courtesies in this matter.

Respectfully submitted,

David W. Garland

DWG/rr

cc: Matthew Savage Aibel, Esq. (via ECF)
Valdi Licul, Esq. (via ECF)
Lindsay Goldbrum, Esq. (via ECF)

GRANTED in part, DENIED in part. By **May 10, 2021**, Defendants shall submit their pre-motion letter. The case management conference scheduled for April 28, 2021, is ADJOURNED *sine die*.

SO ORDERED.

Dated: April 26, 2021
New York, New York


ANALISA TORRES
United States District Judge