

THE GRIFFITH FIRM

209 LINCOLN PLACE 6A
BROOKLYN, NEW YORK 11217
(718) 499-7867

MOBILE: (646) 645-3784
EMAIL: EG@THEGRIFFITHFIRM.COM

TELECOPIER: (718) 228-3777
URL: HTTP://WWW.THEGRIFFITHFIRM.COM

February 5, 2024

VIA ECF

Hon. P. Kevin Castel, U.S.D.J.
United States District Court for the
Southern District of New York
500 Pearl Street, Courtroom 11D
New York, New York 10007

Re: *Neuman v. Garcia, et al.*, Case No. 1:20-cv-10723-PKC

Dear Judge Castel:

This is a joint letter motion seeking (i) a one-week extension of the filing dates for Pretrial Submissions; and (ii) clarification that the parties' exchange of drafts of the Final Pretrial Order need not be filed. There is no conference currently scheduled.

I. Extension Request.

i. The current and proposed deadlines for Final Pretrial Submissions are as follows:

| <u>Event</u> | <u>Current Deadline¹</u> | <u>Extended Deadline</u> |
|--|-------------------------------------|--------------------------|
| Plaintiff files Final Pretrial Submissions | February 9, 2024 | February 16, 2024 |
| Defendant files Final Pretrial Submissions | February 23, 2024 | March 1, 2024 |
| Final Joint Pretrial Order | March 1, 2024 | March 8, 2024 |

ii. This one-week extension is necessary for counsel to have sufficient time to prepare the Final Pretrial Submissions, including motions in limine, proposed voir dire, proposed jury instructions, proposed jury verdict and, subject to our request for clarification, *infra*, at § II, the

¹ Pursuant to your October 31, 2023 Endorsed Order [162].

The revised schedule is approved. Only the Final Joint Pretrial Order need be filed 8, 2024. In this dispute, the Court expects the parties to stipulate to most relevant facts in the JPTO.

SO ORDERED

[Signature]

USDJ

2-6-24

OK

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exchange of drafts of the Final Joint Pretrial Order. The Final Pretrial Conference has been adjourned, *see* October 31, 2023 Endorsed Order [162], and the Court has indicated that it will endeavor to accommodate counsels' request to schedule the trial in or after late May 2024, *see* January 5, 2024 Endorsed Memo [Doc. 170]. The requested one-week extension of the Final Pretrial Submission deadlines will therefore not delay the trial of this matter.

iii. Five prior extensions of discovery and pretrial dates have been granted. Your February 22, 2023 Endorsed Order [133] granted the parties' joint motion to extend the original pretrial dates by two months in order for the parties to resolve discovery dispute before their depositions. At the March 30, 2023 conference, you granted a further extension so the parties could schedule their depositions for June 14 and 16, 2023. *See* March 30, 2023 Minute Entry. Your June 22, 2023 Endorsed Order [147] granted another extension to allow the parties to engage in settlement negotiations. Your September 12, 2023 Order [151] granted a further extension and set the current dates. Finally, your October 31, 2023 Endorsed Order [162] granted a further extension and set the current Final Pretrial Submission deadlines.

iv. This is a joint motion to which both parties consent.

II. Request for Clarification.

The current Final Pretrial Submission deadlines call for the parties to "file" the submissions on their respective deadlines. That is clear with respect to motions in limine, proposed voir dire, proposed jury instructions, and proposed jury verdict, all of which must be filed.

With respect to the process of drafting the Final Joint Pretrial Order, however, the parties propose to exchange drafts of the Final Joint Pretrial Order among themselves without filing those drafts with the Court. After the parties have agreed upon the Final Joint Pretrial Order, it will be filed on its due date. Could you please confirm that is acceptable? Of course, if you want to review each party's draft Final Pretrial Order, those drafts could be filed.

* * *

Thank you for considering this matter.

Sincerely,

/s/ Edward Griffith

Edward Griffith

EG:gb

cc: Julius A. Rousseau, III, Esq.
David James Ward, Esq.