

May 6, 2024

VIA ECF

Honorable Judge Analisa Torres, U.S.D.J.
U.S. Southern District of New York
500 Pearl Street, Room 20A
New York, NY 10007

Re: *Bronx Conservatory of Music, Inc. v. Bronx School for Music, Inc. et al.*
Case No.: 21-CV-1732 (AT) (BCM)

Dear Judge Torres,

I represent Philip Kwoka and the Bronx School for Music, Inc. (BSM), the defendants in the above referenced matter.

With reference to the Report and Recommendation of Judge Moses in this matter, I respectfully request a 14 days extension of time to file Defendants objections pursuant to 28. U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure. The objections are due May 7, 2024, and the requested extension, if granted, would be May 21, 2024, for the Defendants and June 4, 2024. for Plaintiffs to file their response.

I request the extension because I am currently engaged on another matter in Poland and will only be able to return to New York on May 19, 2024. Furthermore, because Defendants did not have the opportunity to fully brief their request for attorney's fees, the objection reply carries substantial records references and Defendants are still awaiting on transcripts of the voice recordings produced in discovery, which provide substantial supporting evidence to the above request. Defendants made no prior requests for extension regarding the attorney's fees petition.

DENIED. The Court notes that Defendants have already filed a document styled "Defendants' Objections to Magistrate Judge Moses' April 23, 2024 Report and Recommendation," ECF No. 105, which the Court shall rule upon in due course. Objections to a magistrate judge's report are not the proper vehicle for supplementing the record with new evidence. *See Lesser v. TD Bank, N.A.*, 463 F. Supp. 3d 438, 445 (S.D.N.Y. 2020). Although Defendants state that they "did not have the opportunity to fully brief their request for attorney's fees," the Court finds that Judge Moses acted well within her discretion in ruling on the parties' thorough letter briefs. *See* ECF Nos. 97, 100, 101; *Int'l Code Council, Inc. v. UpCodes Inc.*, 43 F.4th 46, 54 (2d Cir. 2022) (explaining circumstances where the Circuit has approved the resolution of motion based on sufficient letter briefing).

SO ORDERED.

Dated: May 8, 2024
New York, New York


ANALISA TORRES
United States District Judge