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May 6, 2022

VIA ECF

Hon. Jesse M. Furman
United States District Court, S.D.N.Y.
United States Courthouse
40 Foley Square
New York, New York 10007

**Re: Liberty Mutual Fire Ins. Co. v. JDS Construction Group, LLC et al.
Civil Action No. 21-cv-01931 (JMF)**

Dear Judge Furman:

Our firm represents plaintiff Liberty Mutual Fire Insurance Company (“Liberty Mutual”). We write with the consent of defendants, whose counsel has reviewed and approved this letter.

The parties, subject to the Court’s approval, have resolved their dispute over the following topics in defendants’ Fed. R. Civ. P. 30(b)(6) deposition notice:

12. Liberty Mutual’s setting of reserves for each of the claims by JDS under the CGL Policy and Workers Compensation Policies.

* * *

14. Liberty Mutual’s knowledge of claims brought by JDS that Liberty Mutual adjusted under the CGL and Workers Compensation Policies.

The agreement is as follows:

1. Defendants, on May 5, 2022, served a Third Set of Interrogatories, which are contention interrogatories addressing the above-mentioned subjects;
2. Liberty Mutual will not raise any objections in their response to these interrogatories and will answer them by June 3, 2022; and
3. Defendants reserves any rights they may have regarding seeking a deposition or additional discovery on the aforementioned topics after service of the interrogatory answers, and Liberty Mutual reserves all rights to object to any additional discovery on these topics and to raise the alleged irrelevance of such discovery when the merits of this matter are addressed.

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We understand that this will take the parties past the current discovery schedule, and the parties respectfully request an extension of discovery for this limited issue.

We thank Your Honor for your time and attention to this matter.

Respectfully submitted,



Marshall T. Potashner

MTP:mp
cc: Andrew N. Bourne, Esq. (via ECF)

In light of the parties' agreement, the parties are granted an extension of the fact discovery deadline for the limited purpose of Liberty Mutual responding to the interrogatories at issue by June 3, 2022. To the extent Defendants believe that there is a need for further discovery based on the interrogatory responses, they shall promptly confer with Liberty Mutual and make an application to the Court to extend discovery for that purpose no later than June 9, 2022. Unless and until the Court orders otherwise, the expert discovery deadline of June 27, 2022, remains in effect. Finally, the pretrial conference scheduled for May 16, 2022, is hereby ADJOURNED to June 15, 2022, at 4:30 p.m. The Clerk of Court is directed to terminate ECF Nos. 73 and 78.

SO ORDERED



May 9, 2022