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MEMO ENDORSED

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9/7/21
Motion to stay discovery
pending resolution of motion
to dismiss granted.

VIA ECF

Hon. Colleen McMahon
United States District Court
Southern District of New York
500 Pearl Street, Room 2550
New York, NY 10007-1312

Re: *Meilus et al v. Restaurant Opportunities Center United, Inc. et al*
Docket No.: 21-cv-02554 (CM)

Dear Judge McMahon:

We represent defendants Restaurant Opportunities Center United, Inc., Siby Sekou, and Alicia Renee Farris (collectively, "Defendants") in the above-referenced matter. We write today, on behalf of all parties and with Plaintiffs' consent, to respectfully request a stay of discovery in this matter while Defendants' motion to dismiss the amended complaint is pending. This is the parties' first such request.

On March 26, 2021, Plaintiffs' filed their complaint. *See* ECF Docket Entry ("DE") No. 1. On July 9, 2021, Defendants filed a motion to dismiss eighteen of Plaintiffs' nineteen total claims [DE 22]. On August 12, 2021, Plaintiffs' filed an amended complaint, asserting eighteen total claims against Defendants [DE 29]. On August 23, 2021, Defendants responded by filing another motion, this time seeking dismissal of 17 of the amended complaint's 18 claims [DE 30].

In keeping with the Court's So Ordered Civil Case Management Plan [DE 16], Defendants served initial disclosures pursuant to Rule 26 of the Federal Rules of Civil Procedure on July 22, 2021, and initial discovery requests and interrogatories on August 6, 2021. Accordingly, Plaintiffs' responses and production are due on September 7, in advance of their noticed depositions on September 14 and 16, 2021.

The Case Management Plan notes that discovery may "be stayed pending any dispositive pre-answer motion" [DE 17, ¶ 6]. Here, while the parties have proceeded in discovery in order to ensure compliance with the schedule contemplated by the Court, Defendants have filed two pre-answer dispositive motions. Briefing on Defendants' pending motion continues through the first several

Hon. Colleen McMahon
September 1, 2021
Page 2

weeks of September, during which time Plaintiffs will be required to respond to discovery requests and both parties will be preparing for initial depositions.

Notably, if the Court were to grant Defendants' pending motion, it would obviate the need for the vast majority of discovery in this case, including at least the deposition of one plaintiff. Ultimately, staying discovery until the motion is decided would provide the parties with a clearer, more streamlined path to discovery and would conserve the parties' time and financial resources.

Accordingly, the parties jointly request that the Court stay discovery in this matter until Defendants' motion to dismiss has been decided.

We thank the Court for its attention to this matter.

Respectfully,

/s/ Adam E. Collyer

Adam E. Collyer of
LEWIS BRISBOIS BISGAARD & SMITH LLP

AEC:el

cc: Counsel for Plaintiffs (via ECF)

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