

misconduct alleged,” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Twombly*, 550 U.S. at 556). Accordingly, the DOE’s motion must be and is DENIED in its entirety.

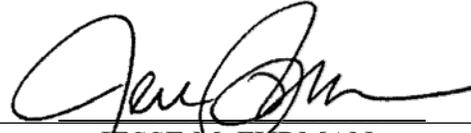
The DOE shall answer Bellis’s claims within **fourteen days of the date of this Memorandum Opinion and Order**. *See* Fed. R. Civ. P. 12(a)(4)(A). Additionally, unless and until the Court orders otherwise, all parties shall appear by telephone for an initial pretrial conference with the Court on **August 30, 2022, at 4:00 p.m.** To join the conference, counsel should call the Court’s dedicated conference line at (888) 363-4749 and use access code 542-1540, followed by the pound (#) key.

Counsel are reminded that, per the Court’s Notice of Initial Pretrial Conference, *see* ECF No. 6, they must submit a joint letter and proposed case management plan by the **Thursday prior to the initial pretrial conference**. In addition to addressing the topics set forth in the Notice of Initial Pretrial Conference, the parties should indicate in their joint letter whether they can do without a conference altogether. If so, the Court may enter a case management plan and scheduling order and the parties need not appear. If not, the Court will hold the initial conference, albeit perhaps at a different time. To that end, counsel should indicate in their joint letter dates and times during the week of the conference that they would be available for a telephone conference. In either case, counsel should review and comply with the procedures for telephone conferences set forth in the Court’s Individual Rules and Practices for Civil Cases, available at <https://nysd.uscourts.gov/hon-jesse-m-furman>, including Rule 2(B)(i), which requires the parties, **no later than 24 hours before the conference**, to send a joint email to the Court with a list of counsel who may speak during the teleconference and the telephone numbers from which counsel expect to join the call.

The Clerk of Court is directed to terminate ECF No. 26.

SO ORDERED.

Dated: July 29, 2022
New York, New York

A handwritten signature in black ink, appearing to read "Jesse M. Furman", written over a horizontal line.

JESSE M. FURMAN
United States District Judge