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MEMO ENDORSED

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November 16, 2021

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VIA ECF

Hon. Valerie E. Caproni
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

**Re: *Stifel, Nicolaus & Company, Inc. v. Invata Ltd.*,
Case No. 1:21-cv-04211-VEC
Joint Letter Regarding Stay of Expert Discovery**

Dear Judge Caproni:

Pursuant to Your Honor's Order dated November 9, 2021 (ECF Doc. 32), the parties to the above-captioned action jointly write to express their preference that the Court stay expert discovery (as opposed to adjourn expert discovery) until it rules on Stifel's anticipated motion for summary judgment.

Unless the parties resolve this dispute at mediation, Stifel will submit its motion for summary judgment by no later than December 15, 2021 pursuant to the schedule previously set by the Court. Invata reserves the right to oppose Stifel's motion on grounds that the case presents a genuine dispute as to material facts, and that expert testimony would assist the Court in resolving issues such as whether Stifel breached its engagement agreement by failing to use commercially reasonable efforts on Invata's behalf. Stifel's view is that expert testimony is irrelevant to resolution of the summary judgment motion.

In the event that the Court denies Stifel's motion for summary judgment, the parties propose that they confer and submit a proposed schedule for resuming expert discovery within 15 days following the Court's ruling.

Wherefore, the parties respectfully request that the Court stay expert discovery pending mediation and resolution of Stifel's anticipated motion for summary judgment.

Respectfully submitted,

/s/ Theodore Snyder
Theodore Snyder
Attorney for Plaintiff Stifel,
Nicolaus & Company, Inc.

/s/ Adam K. Doerr
Adam K. Doerr
Attorney for Defendant Invata Ltd.

Expert discovery in this matter is hereby STAYED.

By no later than **December 20, 2021**, Defendant must inform the Court whether it believes expert discovery is needed to respond in opposition to the Motion for Summary Judgment and if so, on what basis. The Court will decide whether to lift the stay on expert discovery at that time.

The Clerk of Court is respectfully directed to close the open motions at docket entries 31 and 33.

SO ORDERED.



Date: November 16, 2021

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE