

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/15/2023

----- X

GABRIEL HERRERA, CURTIS HENNAGER, :
Individually and on behalf of all others similarly :
situated, and :
: 21-CV-4929

DANIEL ABBOTT, ELIZABETH :
AMMERMAN, AMIR AZARCON, SEAN : ORDER
CONWAY, RYAN INWARDS, BLAKE :
MARTIN, MADISON MURPHY, CARLIN :
ROLLENHAGEN, WINSTON TOLLIVER, :
DAVID UNICH, DYLAN WARMACK, FNAN :
YSAHAK, individually, :
:
Plaintiffs, :
:
-against- :
:
COMME DES GARÇONS, LTD., DOVER :
STREET MARKET NEW YORK LLC, ELAINE :
BEUTHER, JAMES GILCHRIST, :
:
Defendants. :
----- X

VALERIE CAPRONI, United States District Judge:

WHEREAS on August 12, 2022, the Court granted Defendants' motion to dismiss the
Second Amended Complaint with prejudice;

WHEREAS on September 6, 2022, Plaintiffs appealed that decision, Dkt. 94;

WHEREAS on October 16, 2023, the Second Circuit vacated and remanded the Court's
Opinion and Order granting the motion to dismiss, Op., Dkt. 95; and

WHEREAS on November 6, 2023, the mandate issued, Dkt. 96.


IT IS HEREBY ORDERED that, not later than **November 30, 2023**, the parties must file
a joint letter with proposed next steps, including a statement as to whether (1) the parties request

a settlement conference with Magistrate Judge Cave for a settlement conference, and

(2) Defendants seek to renew their motion to dismiss.

SO ORDERED.

Date: November 15, 2023
New York, NY



VALERIE CAPRONI
United States District Judge