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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 09/08/2021

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MEMO ENDORSED

September 8, 2021

VIA ECF

The Honorable Valerie Caproni
United States District Court for the Southern District of New York
40 Foley Square, Room 240
New York, NY 10007

Re: *Kioba Processing LLC v. TD Bank, N.A.*, No. 21-cv-5862 (VEC)

Dear Judge Caproni:

The parties respectfully request that the Initial Pretrial Conference originally scheduled for September 10, 2021, at 12:00 p.m. in this matter be adjourned. The parties have continued to confer since filing their Joint Letter on September 2, 2021 and believe that they are likely to reach agreement on the proposed schedule. The parties request that the Initial Pretrial Conference be adjourned for approximately 10 days (until approximately September 20, or whenever the Court has availability the week of September 20) to give the parties additional time to reach agreements on the schedule for this case and notify the Court of any such agreements.

The parties have not previously requested an adjournment of the Initial Pretrial Conference. Plaintiff Kioba Processing LLC and Defendant TD Bank, N.A. consent to the proposed brief adjournment. In view of the above, the parties ask that the Court adjourn the Initial Pretrial Conference to approximately September 20, 2021, or a date soon thereafter at the Court's convenience.

Respectfully submitted,

/s/ Jonathan H. Rastegar

Jonathan H. Rastegar
Counsel for Kioba Processing LLC

/s/ Bret T. Winterle

Bret T. Winterle
Counsel for TD Bank, N.A.

Application GRANTED.

The initial pre-trial conference, currently scheduled for Friday, September 10, 2021 at 12:00 P.M., is adjourned to **Friday, September 24, 2021 at 11:00 A.M.** By no later than **Monday, September 20, 2021**, the parties must file a joint letter updating the Court on the status of their efforts to agree upon a proposed schedule, including a proposed briefing schedule on any contemplated motions. For the conference dial in information, the parties should consult the Court's order at docket entry 15.

SO ORDERED.



Date: September 8, 2021

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE