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August 26, 2022

**Via ECF**

Brian Beaton  
Law Clerk to the Hon. Katherine Polk Failla  
United States District Court  
Southern District of New York

**MEMO ENDORSED**

**Re: *Ramon De Gabriel Rivera v. Lettire Construction Corp., et al.***  
Case No. 1:21-cv-06006-AJN

Dear Mr. Beaton:

This office represents defendants Lettire Construction Corp., Mott Center LLC, Redfern FRP, LLC, Phipps Houses, Rockaway Village III Housing Development Fund Corporation, FRV Phase 3 LIHTC LLC and Mooregroup Corporation in the above referenced matter. We submit this letter in response to plaintiff's counsel's letter request (Docket entry 121) and your correspondence dated August 25, 2022 regarding Magistrate Judge Parker's orders (Docket entries 111 and 113).

With regard to the submission of our brief in response to plaintiff's letter motion (Docket entries 115-120), we concur with counsel for non-party witness Guillermo Sanchez Melgarejo and request an extension of time to respond to said letter motion by September 30, 2022.

We also are in agreement to adjourn the deposition of Mr. Melgarejo only until the aforementioned motion has been decided. If Mr. Ronai is unable to conduct the deposition at that time, we do not see why John Della Jacono, who has handled all seven of the depositions conducted in this case thus far, would not be able to conduct the deposition of Mr. Melgarejo. Mr. Melgarejo is the sole eye witness to the underlying accident and his deposition is crucial in determining outstanding liability issues and the ultimate resolution of this case. Therefore, we respectfully request that the stay of his deposition be limited.

Thank you for your consideration and attention to this matter.

Respectfully submitted,

Ropers Majeski PC

Billy H. Kim

cc: RONAI & RONAI, L.L.P.  
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The Court is in receipt of various letters from the parties regarding Plaintiff's objections to Magistrate Judge Parker's Opinion and Order regarding Plaintiff's request for a protective order. (Dkt. #117-123). The Court GRANTS Defendants' and Mr. Melgarejo's request to file briefs of similar length or shorter (*i.e.* 17 pages) in response to Plaintiff's memorandum of law (Dkt. #116). Defendants and Mr. Melgarejo shall submit these briefs by **September 30, 2022**. At that time, the Court will consider briefing on this issue complete, and will endeavor to promptly decide the issue. Mr. Melgarejo's deposition shall be stayed until the Court issues its order and opinion. Within one week of the issuance of the order and opinion, the parties are hereby ORDERED to meet and confer and schedule Mr. Melgarejo's deposition.

The Clerk of Court is directed to terminate the pending motions at docket entries 117 and 118.

The Court wishes Mr. Ronai and his family the best during this difficult time.

Dated: August 26, 2022  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE