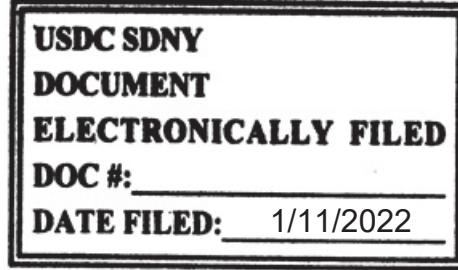




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January 6, 2022

VIA ECF

Hon. Alison J. Nathan, U.S.D.J.
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Young v. Northwest Computer Accessories, Inc.*
Case No. 21-cv-09071-(AJN)-RWL

Dear Judge Nathan,

We represent defendant Northwest Computer Accessories, Inc. ("Defendant") in connection with the above-captioned matter. We write to the Court now, with the consent of plaintiff, to request 30 days to respond or otherwise move against the Complaint. (ECF 1.)

Pursuant to Fed. R. Civ. P. 6(b)(1), Defendant submits good cause exists for the requested extension of time. This office was only retained on Tuesday of this week in connection with this matter and, based on a discussion with plaintiff's counsel this morning, the parties are optimistic that they will be able to resolve this matter amicably in the coming days.

While plaintiff has filed an affidavit of service which purports to have effectuated service of the Complaint on November 19, 2021 (ECF 6), "Aaron 'Doe'" was not authorized to accept service on behalf of the Defendant. (*Id.*) Nevertheless, while this office is aware of the standard set forth in *Enron Oil Corp. v. Diakuhara*, 10 F.3d 90, 96 (2d Cir. 1993) concerning why a default should not be entered, plaintiff has not filed a motion for a default pursuant to § 3(K) of Your Honor's Individual



Practices, has indicated that he does not intend to do so, and is agreeable to the 30 day extension of time being requested. Accordingly, we respectfully submit the requirements set forth in *Enron Oil Corp.* are not applicable here.

In further compliance with § 1(E) of Your Honor's Practices, Defendant further states as follows:

- 1.) The original due date for Defendant to respond to the Complaint (assuming *arguendo* the validity of service) was December 10, 2021;
- 2.) No prior request for an extension of time to respond to the Complaint has been made;
- 3.) Defendant respectfully requests an additional thirty (30) days – until **February 7, 2022** – to file its Answer or otherwise move.

The Court's continued attention to this matter is appreciated.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "J. MacMull".

Joel G. MacMull

cc: All Counsel of Record (*via ECF only*)

SO ORDERED:

1/11/2022

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

A handwritten signature in black ink, appearing to read "R. Lehrburger".