

MORVILLO ABRAMOWITZ GRAND IASON & ANELLO P.C.

Mr. LoDuca is differently situated from Mr. Schwartz and the Firm. He has availed himself of a full and fair opportunity to respond to the Court's OSC regarding non-existent case law and three (3) possible grounds for sanctions. He is not entitled to a do-over.

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June 1, 2023

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VIA ECF

Honorable P. Kevin Castel
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

RE: Roberto Mata v. Avianca, Inc, No.: 22-cv-1461 (PKC)

Dear Judge Castel,

We represent Peter LoDuca in the above referenced matter in connection with the Order to Show Cause dated May 26, 2023. (Docket Entry No. 33, the "OSC"). The OSC instructs Mr. LoDuca as well as Steven A. Schwartz and Levidow, Levidow & Oberman, P.C. (the "Firm") to submit a written response to the OSC by June 2, 2023. On May 31, 2023, Tyler Maulsby, counsel for Mr. Schwartz and the Firm, submitted a joint request on behalf of his clients and Mr. LoDuca seeking permission to file written responses to the OSC by June 6, 2023. (Docket Entry No. 37). As this firm had only been retained by Mr. LoDuca that day, we joined in Mr. Maulsby's letter instead of submitting a separate letter on behalf of Mr. LoDuca.

On May 31, 2023, the Court granted Mr. Maulsby's request for an extension of the time to file written submissions. (Docket Entry No. 38, the "Order"). The Order stated that "the time for the written response of Mr. Schwartz and the Firm to the OSC is extended to June 6, 2023." While we believe that extension applies to Mr. LoDuca as well, we write in an abundance of caution to confirm that the time for Mr. LoDuca to file a written response to the OSC is currently June 6, 2023.

Thank you in advance for your consideration.

Respectfully submitted,

/s/ Catherine M. Foti
Catherine M. Foti

cc: All Counsel (via ECF)

The only point of response to the supplemental OSC of May 26 is whether he, in fact, physically appeared before Mr. Schwartz, a Notary Public, on April 25, 2023 and took an oath to tell the truth.

That should be a simple and straightforward matter. But if he needs until June 6, 2023

To respond on this point he may have the time.

Application

GRANTED

SO ORDERED

[Signature]
USDJ
6-1-23