## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

THAT'S WHAT SHE SAID, INC.,

Plaintiff,

-v.-

GUTTER GAMES, INC., and PERCH UK 1 LTD.,

Defendants.

22 Civ. 4230 (KPF)

ORDER

## KATHERINE POLK FAILLA, District Judge:

The Court's May 22, 2024 Order (Dkt. #91) ordered Plaintiff to both (i) "file a statement responding to Defendants' Rule 56.1 Statement in accordance with Local Rule 56.1(b)," and (ii)

file an amended Memorandum of Law in Opposition to Defendants' Motion for Summary Judgment, converting all record citations therein to [Plaintiff's] Rule 56.1 Statement (as opposed to the declarations of Richard Mooney (Dkt. #84) and Dan Myers (Dkt. #83)). To be clear, the Court expects that no new arguments will be set forth in Plaintiff's amended memorandum, but rather that Plaintiff will properly source its factual assertions.

While Plaintiff accordingly filed the required statement responding to Defendants' Rule 56.1 Statement on May 30, 2024 (Dkt. #92), Plaintiff failed to file the required amended memorandum of law.

The Court will allow Plaintiff until on or before **June 7, 2024**, to file the amended memorandum and come into full compliance with the Court's May 22, 2024 Order. The Court remains dismayed, particularly given the content of the Court's May 22, 2024 Order, by Plaintiff's continued inability to abide by the Court's orders. (*See, e.g.*, Dkt. #52, 58, 62, 91).

As before, to the extent Defendants wish to file amended reply papers, they are instructed to file a letter requesting as much within two weeks of Plaintiff's filing of its compliant amended memorandum of law. Furthermore, the Court may entertain an application that Plaintiff pay the fees and costs incurred by Defendants in filing any amended reply papers, in view of the fact that Plaintiff's failure to comply with the Local Rules of the Court would have rendered the filing of such papers necessary.

SO ORDERED.

Dated: June 4, 2024

New York, New York

KATHERINE POLK FAILLA United States District Judge

Katherin Palle Faula