



YADGAROV & ASSOCIATES, PLLC.

820 Second Ave Suite1100 ~ New York N.Y. 10017

Phone: 212-581-2500 ~ Fax: 212-581-2525

July 29, 2022

Hon. Katherine Polk-Failla. USDJ
Southern District of New York
40 Foley Sq., Room 2103
New York, NY 10007
Email: failla_nysdchambers@nysd.uscourts.gov

MEMO ENDORSED

Re: Perez -v-Dolgen Corp. of NY, Inc., et al.
Case No. 22-cv-4324-KPF
Re: Initial Case Management Conference of 08-02-22

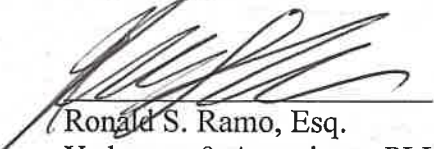
Dear Judge Polk-Failla:


The parties in the above titled action respectfully submit the enclosed Civil Case Management Plan and Scheduling Order. The parties have set the end date for Fact Discovery as November 30, 2022, and expert discovery as January 14, 2023. As the completion of all discovery is set for within 6 months of the scheduled conference and there are no disputes as to the terms of the order, the parties request the court cancel the conference set for August 2, 2022.

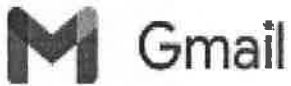
To provide the Court with background as to the nature of the action and the parties positions. This is an action for personal injuries sustained on May 6, 2021, at the Dollar General Store at 2500 White Plains Road, Bronx, New York. The Plaintiff contends she was caused to trip and fall because of an object left in an aisle of which Defendants had actual or constructive notice of the object and the tripping hazard it could pose and that by failing to remove the objection the Defendant's breached their duty to maintain their premises in a reasonably safe condition. The Defendants contend there is no liability because they did not have notice of the object, the object was an open and obvious condition, and the Plaintiff is comparatively negligent for her injuries.

Thank you for your consideration of this matter.

Respectfully submitted,


Ronald S. Ramo, Esq.
Yadgarov & Associates, PLLC
Attorneys for Plaintiff


John D. Goldman, Esq.
Smith Sovik Kendrick & Sugnet PC
Attorneys for Defendants



Ronald Ramo, Esq. <rramo@yadlaw.com>

Perez v. DolGen

John D. Goldman <jgoldman@smithsovik.com>
To: "Ronald Ramo, Esq." <rramo@yadlaw.com>

Fri, Jul 29, 2022 at 1:06 PM

Looks good. You can sign my name

Sent from my iPhone

On Jul 29, 2022, at 12:32 PM, Ronald Ramo, Esq. <rramo@yadlaw.com> wrote:

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Application GRANTED. The pretrial conference scheduled to take place on August 2, 2022, is hereby **ADJOURNED** *sine die*. The Court will endorse the proposed case management plan under separate cover.

The Clerk of Court is directed to terminate the pending motion at docket entry 8.

Dated: August 1, 2022
New York, New York

SO ORDERED.

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE