



Simi Bhutani
77 Water Street, Suite 2100
New York, New York 10005
Simi.Bhutani@lewisbrisbois.com
Direct: 646.783.1708

MEMO ENDORSED

October 24, 2024

VIA ECF

Hon. Edgardo Ramos, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Defendants' request to extend the time limit for depositions from three hours to four hours is denied. Defendants' request to withdraw Angelina Lopez's declaration submitted in support of Plaintiffs' pending Motion for Conditional Collective Certification is granted.

SO ORDERED.

Edgardo Ramos, U.S.D.J.

Dated: October 25, 2024

New York, New York

**Re: Neor, et ano. v. Acacia Network, Inc., et. al.
No. 22-cv-04814 (ER)**

Dear Judge Ramos:

We represent Defendants Acacia Network, Inc., Acacia Network Housing, Inc. and Promesa Residential Health Facility, Inc. in the above-referenced matter. We write with respect to two outstanding requests (namely, to extend the time limit for depositions and the withdrawal of Opt-In Plaintiff Angelina Lopez's declaration) that was not addressed during the pre-motion conference held via telephone on October 23, 2024 due to the limited time available. As Your Honor was concluding yesterday's call, I attempted to interject to present these topics; however, the call ended and we ascertained that the Court was no longer on the line.

Specifically, in Defendants' pre-motion letter to the Court, we requested that the time limit for the remaining depositions be extended from three hours to four hours. (Dkt. No. 177, pg. 3, ¶1). Plaintiffs objected to that request. (Dkt. No. 181, pg. 2). As explained in our letter, we seek to extend the time limit due to Plaintiffs' counsel's continued refusal to exceed the time limit by *even one minute* as evidenced during the deposition of Opt-In Plaintiff Akeem Ford (as well as Opt-In Plaintiff Porschea Clarke), which required judicial intervention. Although we will make every effort to complete the depositions within three hours, we respectfully request that the time limit be extended to four hours with the goal of avoiding future similar disputes and avoiding us having to involve the Court to rule on minor issues.

Further, because the Court ordered that the six Opt-In Plaintiffs who failed to appear for their depositions or provide their availability for a deposition, including Opt-In Plaintiff Angelina Lopez, be dismissed with prejudice, we request that Ms. Lopez's declaration submitted in support of Plaintiffs' pending Motion for Conditional Collective Certification (Dkt. No. 93), be withdrawn. We addressed this issue in our pre-motion letter to the Court (Dkt. No. 177, pg. 3, Section B). Mr. Lee

Hon. Edgardo Ramos, U.S.D.J.
October 24, 2024
Page 2

did not address the withdrawal of Ms. Lopez's declaration in his response letter (Dkt. No. 181), and we therefore deem any objection waived.

Defendants are amenable to receiving a ruling based on the parties' written submissions but of course are willing to further discuss these issues at a conference if the Court so desires. Thank you for your attention to this matter.

Respectfully,

/s/ Simi Bhutani

Simi Bhutani of
LEWIS BRISBOIS BISGAARD & SMITH LLP

cc: All counsel of record (via ECF)