



Application Granted

A handwritten signature in black ink, appearing to read 'Valerie Figueredo, U.S.M.J.' The signature is fluid and cursive.

DATED: November 13, 2023

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The parties are directed to provide a status update by **Monday, November 27, 2023**. The Clerk of Court is respectfully directed to terminate the motion at ECF No. 57.

November 10, 2023

Via ECF

The Honorable Valerie Figueredo
 Daniel Patrick Moynihan Courthouse
 500 Pearl Street
 New York, NY 10007

**Re: PNC Bank, N.A. v. Optimity Advisors LLC, et al.
 No. 22-cv-07011-GHW-VF**

Dear Judge Figueredo:

We represent Defendants in the referenced matter. We write with the consent of counsel for Plaintiff regarding Plaintiff's motion for partial summary judgment (the "Motion"), which was filed on September 13, 2023 and fully briefed by October 16, 2023. ECF. 43-56. This week our clients have negotiated a potential transaction concerning the mortgaged property at issue in the Motion. Counsel for all parties have communicated and agree that, if the potential transaction is consummated, it will impact the Motion and the course of this litigation.

In the interest of preserving judicial resources, the parties respectfully request that the Court hold the Motion in abeyance pending the consummation of the potential transaction. With the Court's permission, the parties respectfully propose updating the Court no later than 14 days of the date of this letter concerning the status of the proposed transaction and any impact that it has on the Motion and this litigation.

We would be happy to answer any questions the Court has concerning this development.

Respectfully submitted,

/s John A. Basinger

John A. Basinger

cc: All Counsel of Record (via ECF)