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May 24, 2023

DELIVERED VIA ECF

Honorable Paul G. Gardephe
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 705
New York, NY 10007

Case Title: *Klauber Brothers, Inc. v. Walmart, Inc. et al.*
1:22-cv-08087-PGG
Re: **Request to Adjourn Conference**

Your Honor:

As you know, this office represents Plaintiff Klauber Brothers, Inc. ("Klauber"), in the above-referenced action. We write to respectfully request an adjournment of the initial pretrial conference, currently scheduled for May 25, 2023 at 10:00 a.m. On May 1, 2023, the Court granted Klauber's prior request to adjourn the initial pretrial conference until May 25, 2023 (Dkt. #35).

The terms of the settlement agreements releasing all claims in this action except for those regarding products produced and distributed by Music Legs, Inc. ("Music Legs") have been finalized, and the parties are in the process of gathering the required signatures on the final long-form agreements. These settling parties anticipate being able to dismiss the settled claims with prejudice within thirty (30) days.

Counsel for Klauber has followed up with counsel for Music Legs, and has again requested that counsel for Music Legs confirm that it is authorized to accept service on its client's behalf. Counsel indicated a willingness to accept but has not confirmed authorization from Music Legs itself. Counsel has stated that Music Legs is open to settlement negotiations, and the parties are likely to discuss settlement of the remaining claims in this action in the near future. To date, the parties have not been able to confirm the necessary method of service for Music Legs, and require more time to allow Music Legs to be served and provide an answer to Klauber's First Amended Complaint. In light of the foregoing, Klauber respectfully requests that the Initial Pretrial Conference currently scheduled for May 25, 2023, be adjourned until June 23, 2023, or a date thereafter convenient for the Court.

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This is the fourth request to adjourn the initial pretrial conference with Music Legs. The previous request was granted by the Court. (Dkt. #35). Two previous requests to adjourn the initial pretrial conference with Walmart were granted to allow time for settlement discussions with Walmart. (Dkt. #17). Defendant Music Legs has consented to this requested adjournment.

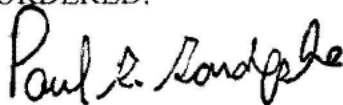
We thank Your Honor for your consideration of this request.

Respectfully submitted,

By: /s/ Scott Alan Burroughs
Scott Alan Burroughs
DONIGER / BURROUGHS

MEMO ENDORSED: The conference currently scheduled for May 25, 2023 is adjourned to **June 15, 2023 at 10:00 a.m.**

SO ORDERED.



Paul G. Gardephe
United States District Judge

Dated: May 24, 2023