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By ECF

January 12, 2023

The Honorable Judge Paul G. Gardephe
United States District Court
Southern District of New York
40 Foley Square, Room 2204
New York, New York 10007

Re: *Marc Everett MD PC v. Cigna Health and Life Insurance Company*
Case No. 1:22-cv-08749-PGG
Joint Motion For Adjournment Of Initial Conference

Dear Judge Gardephe:

Plaintiff Marc Everett MD PC (“Plaintiff”) and Defendant Cigna Health and Life Insurance Company (“Cigna”) respectfully write to request a forty-two (42) day adjournment of the Initial Conference scheduled for Thursday, January 19, 2023 at 10:00 AM to Thursday, March 2, 2023, or at a date after March 2, 2023 that is convenient to the Court.

The parties seek this adjournment in light of Cigna’s pending request for a pre-motion to dismiss conference (Doc. 9). While Plaintiff has proposed that Plaintiff be granted 21 days leave to amend its complaint (Doc. 10), Cigna maintains that amendment would be futile for the reasons outlined in its pre-motion letter (Doc. 9), including the governing plan’s anti-assignment clause.

The parties have not engaged in settlement discussions, as counsel are in agreement that the operative complaint is unlikely to survive a motion to dismiss. *See* Docs. 9, 10.

Accordingly, to facilitate resolution of Cigna’s pending request for a pre-motion to dismiss and to efficiently and accurately prepare any appropriate case management plan, the parties respectfully request that the Court adjourn this case’s Initial Conference to a date no earlier than Thursday, March 2, 2023.

Respectfully submitted,

/s/ Gregory J. Bennici
Gregory J. Bennici

Respectfully submitted,

/s/ Michael Gottlieb
Michael Gottlieb

MEMO ENDORSED: Plaintiff will file the amended complaint by **January 24, 2023**. Defendant will file a letter indicating whether it plans to move to dismiss the amended complaint by **January 27, 2023**. The conference scheduled for January 19, 2023 is adjourned to **February 2, 2023 at 10:30 a.m.** The Clerk of Court is directed to terminate the motions at Dkt. Nos. 9 and 11 as moot.

SO ORDERED.

A handwritten signature in black ink, reading "Paul G. Gardephe". The signature is written in a cursive, flowing style. The first letter "P" is large and prominent. The signature is positioned above a horizontal line.

Paul G. Gardephe
United States District Judge

Dated: January 17, 2023