



401 Commerce Street, Suite 900, Nashville, TN 37219 • (615) 259-1510

November 14, 2023

John W. Peterson
615.259.1523
615.523.1781 Fax
john.peterson@polsinelli.com

The Honorable Judge Arun Subramanian
United States District Court for the Southern District of New York
500 Pearl St
New York, NY 10007

Re: Defendants' Letter Motion to Stay Defendants' Obligation to Respond to Plaintiff's Discovery Requests – Z Payments Solution Corp. v. First Data Merchant Services LLC and Fiserv, Inc., Case No. 1:23-cv-03702-LGS

Dear Judge Subramanian:

As you know, Polsinelli PC represents Defendants First Data Merchant Services LLC (“FDMS”) and Fiserv, Inc. (“Fiserv”) (collectively, “Defendants”). On October 25, 2023, Plaintiff Z Payments Corp. (“Plaintiff”) served on Defendants Plaintiff’s Revised First Request for Admissions to Defendants, Plaintiff’s Revised First Set of Interrogatories to Defendants, and Plaintiff’s Revised First Notice to Produce Documents to Defendants (collectively, the “Discovery Requests”). Defendants’ answers, responses, and objections to the Discovery Requests are currently due on November 24, 2023. *See* Fed. R. Civ. P. 33(b)(2), 34(b)(2)(A), and 36(a)(3).

On November 13, 2023, the Court granted Plaintiff’s counsel’s Motion for Leave to Withdraw as Counsel for Plaintiff and allowed Plaintiff until December 4, 2023, to retain new counsel. (ECF No. 41.) The Court also ordered that “Defendants’ deadline to respond to the complaint is extended to 3 weeks after Plaintiff’s new counsel enters a notice of appearance on the docket.” (*Id.*)

In light of the Court’s most recent Order and to preserve party resources where this case cannot proceed until Plaintiff’s counsel appears, Defendants respectfully request the Court similarly stay Defendants’ obligations to answer, respond, or object the Discovery Requests until three (3) weeks from the date Plaintiff’s new counsel enters a notice of appearance on the docket, and for any other relief this Court deems just and proper.

This request is made in good faith and not for the purposes of vexation, harassment, or undue delay. No party will suffer prejudice because of the requested stay.

Defendants' request is GRANTED. The Clerk of Court is directed to terminate the motion at ECF No. 42.

SO ORDERED.

Arun Subramanian, U.S.D.J.
Date: November 15, 2023

Sincerely,

/s/ John W. Peterson

John W. Peterson

polsinelli.com

Atlanta Boston Chicago Dallas Denver Houston Kansas City Los Angeles Miami Nashville New York
Phoenix St. Louis San Francisco Seattle Silicon Valley Washington, D.C. Wilmington

Polsinelli PC, Polsinelli LLP in California

92108946.2