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November 14, 2023

BY ECF

Honorable Judge Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Room 415
New York, NY 10007

MEMO ENDORSED

Re: Kevin Yan Luis v. Ammanii, LCC – Case No. 1:23-cv-07540-KPF

To the Honorable Judge Katherine Polk Failla,

Plaintiff submits this letter motion respectfully requesting an adjournment of the initial conference *sine die* while Plaintiff continues to attempt to serve the Defendant. The complaint in this case was filed on August 24, 2023. Plaintiff has attempted to reach the Defendant via phone and via process server on October 12, 2023. The attempt was unsuccessful. Plaintiff intends on attempting service via the Secretary of State. Plaintiff respectfully requests an adjournment of the initial conference currently scheduled for November 17, 2023 (Docket # 5) pursuant to Your Honor's Order. Plaintiff additionally requests all case deadlines be reset as well. This is the first time this relief is being requested.

The Plaintiff wishes to thank Your Honor and this Court for the time and attention to this matter.

Respectfully submitted,

/s/ Noor A. Saab, Esq.

Application GRANTED in part. As Defendant has not yet been properly served, the initial pretrial conference scheduled for November 17, 2023, is hereby adjourned *sine die*.

The Court is troubled by Plaintiff's failure to attempt service with sufficient alacrity, despite the impending deadline to do so. As Plaintiff represents that he intends to attempt service via the Secretary of State, the Court will provide him with a 14-day extension of the current November 22, 2023 deadline. Accordingly, Plaintiff shall serve Defendant on or before **December 6, 2023**. Should Plaintiff fail to do so, he shall provide the Court with good cause in writing, on or before **December 13, 2023**, for why this case should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m).

The Clerk of Court is directed to terminate the pending motion at docket number 6.
SO ORDERED.

Dated: November 14, 2023
New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE