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USDC SDNY
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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 10/23/2024

VIA ECF

The Honorable Analisa Torres, U.S.D.J.
U.S. District Court, Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Re: *Shamshiev v. Bittleman et al*
Case No.: 1:24-cv-04655-AT

Dear Honorable Judge Torres:

This law firm represents Plaintiff Mirjalol Shamshiev (the “Plaintiff”) in the above-referenced matter.

Pursuant to Your Honor’s Individual Motion Practice Rules, this letter respectfully serves to request an extension of time to file affidavits of service as to non-appearing defendants Demetri Lerner and Robert Pinkow from October 25, 2024 to, through and including, November 8, 2024.

This is the first request of its kind. If granted, this request would not affect any other Court-scheduled deadlines.

The basis for this request is that Plaintiff’s process servers are still in the process of accomplishing service on non-appearing defendants Demetri Lerner and Robert Pinkow.

By way of background, counsel for appearing defendant Wall Street Bath and Health Club, Inc. (the “Corporate Defendant”), Terry Anthony Brostowin (“Attorney Brostowin”), contacted the undersigned on or around July 9, 2024. It was the undersigned’s understanding, based on the July 9, 2024 meet-and-conferral, that Attorney Brostowin would be appearing on behalf of each Defendant. This understanding was reinforced by the representations contained in the answer filed on September 1, 2024. [Dckt. No. 11].

As of the date of this filing, the undersigned has contacted Attorney Brostowin, to see whether he would be accepting service, on behalf of the non-appearing defendants. Out of an abundance of caution, Plaintiff’s process servers have also been instructed to accomplish service as soon as practicable.

In the event of the non-appearing Defendants continued failure to appear, the undersigned anticipates proceeding with the filing of an application for a clerk’s certificate of default judgment.

In light of the foregoing, it is respectfully requested that the Court grant an extension of time to file affidavits of service as to non-appearing defendants Demetri Lerner and Robert Pinkow from October 25, 2024 to, through and including, November 8, 2024.

Thank you, in advance, for your time and attention to this matter.

Respectfully submitted,

LEVIN-EPSTEIN & ASSOCIATES, P.C.

By: /s/ Jason Mizrahi

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Attorneys for Plaintiff

VIA ECF: All Counsel

GRANTED.

SO ORDERED.

Dated: October 23, 2024
New York, New York



ANALISA TORRES
United States District Judge