

Morgan Lewis

Brendan T. Killeen
+1.212.309.6712
brendan.killeen@morganlewis.com

March 6, 2025

VIA ECF

Hon. Denise L. Cote
United States District Court, Southern District of New York
500 Pearl St., Room 1910
New York, New York 10007

Re: Davila, et al., v. Bank of America, Corp, et al., Civil Action No. 24-cv-08526

Dear Judge Cote:

On behalf of Defendants Bank of America Corporation and Merrill Lynch, Pierce, Fenner & Smith, Inc. ("Defendants") and Plaintiffs Linda Davila and Cathy Bender ("Plaintiffs"), we write to respectfully request an order referring this case to private mediation and a postponement of pending deadlines until the mediation is concluded, to facilitate the parties' efforts to resolve this action.

The parties have devoted significant time and resources toward reaching a resolution, and are making steady progress. The parties believe that engaging in a private mediation at this time would help them reach a resolution. The parties understand that the Court, in its February 18, 2025 order, stated that it will not grant further adjournments of the pending Motion to Compel Arbitration. The parties make this request only because they are contending with certain unique issues and they believe in good faith that mediation coupled with the Court's maintenance of the status quo would help them work through these issues and reach a resolution. The parties would be happy to appear for a confidential telephone conference with the Court to discuss the unique issues with which they are contending.

Thank you for your consideration of this request.

Respectfully submitted,

/s/ Brendan T. Killeen
Brendan T. Killeen

cc: Linda D. Friedman, Esq. (via ECF)

*Any private mediation must
commence forthwith. The
plaintiffs' time to oppose
the motion to compel
is extended to April 18.
Reply is due May 2.
Denise Cote*

Morgan, Lewis & Bockius LLP 3/7/25

101 Park Avenue
New York, NY 10178-0060
United States

📞 +1.212.309.6000
📠 +1.212.309.6001

Hon. Denise L. Cote
March 6, 2025
Page 2

Jennifer Schoen Gilbert, Esq. (via ECF)
George S. Robot, Esq. (via ECF)
Suzanne E. Bish, Esq. (via ECF)
Sam S. Shaulson, Esq. (via ECF)
Gina F. McGuire, Esq. (via ECF)