

# Morgan Lewis

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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 by March 10. The plaintiffs' time to oppose the motion to compel is extended to April 10. Reply is due May 2.

Denise Cote

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3/7/25

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