

GARFUNKEL WILD, P.C.

ATTORNEYS AT LAW

APPLICATION GRANTED. The below schedule shall govern the filing of the second amended complaint and the defendants' motion to dismiss the second amended complaint. The Clerk shall terminate the pending motions to dismiss. (Docs. ##18, 30).

SO ORDERED:



Vincent L. Briccetti, U.S.D.J., 9/7/2021

DAYNA B. TANN

Partner

Licensed in NY, NJ

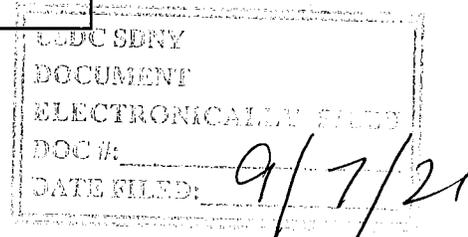
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September 7, 2021

By ECF

Hon. Vincent L. Briccetti
United States Courthouse
300 Quarropas St.
White Plains, NY 10601



Re: *Kambouris v. Westchester County Health Care Corporation et al*
Docket No. 7:20-cv-09341

Dear Judge Briccetti:

We represent Defendants Westchester County Health Care Corporation, Westchester Medical Center and Barbara Esposito (the "Hospital Defendants") in the referenced action.

Pursuant to Your Honor's August 25, 2021 Order, we write to inform the Court that the Hospital Defendants consent to the filing of Plaintiff's second amended complaint, as submitted to us by Plaintiff's counsel on August 25, 2021.

Because the filing of the second amended complaint renders the Hospital Defendants' pending motion to dismiss moot, the Hospital Defendants hereby withdraw that motion. Instead, the Hospital Defendants will be filing a new motion to dismiss tailored to address the allegations in Plaintiff's newly amended complaint. The parties have agreed to the following proposed briefing schedule:

1. Plaintiff shall file the Second Amended Complaint (in the form submitted to the Hospital Defendants on August 25, 2021) by September 8, 2021;
2. The Hospital Defendants shall serve and file its Motion to Dismiss Plaintiff's Second Amended Complaint by October 5, 2021;
3. Plaintiff's Opposition to the Hospital Defendants' Motion to Dismiss shall be served and filed by October 26, 2021;
4. The Hospital Defendants shall serve and file its Reply by November 16, 2021.

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Thank you for your Honor's consideration of this matter.

Respectfully submitted,

/s/ Dayna B. Tann

Dayna B. Tann

cc: All counsel of Record

GARFUNKEL WILD, P.C.