

**MEMO ENDORSED**

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May 9, 2022

Via ECF

The Honorable Kenneth M. Karas  
United States District Judge for the  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601

Re: *Jose Hernandez v. El Bandido Restaurant Inc. et. al.*  
Docket No.: 22-cv-00927 (KMK) (JCM)

Dear Judge Karas:

We represent Plaintiff Jose Hernandez in the above-referenced conditionally-certified collective action alleging wage violations under the Fair Labor Standards Act and the New York Labor Law against Defendants El Bandido Restaurant Inc. d/b/a El Bandido Mexican Restaurant & Lounge, and Estate of Santiago M. Tello, individually, and Angelica Tello, individually. We write, on behalf of all parties, in accordance with Rule 1(C) of Your Honor's Individual Rules of Practice in Civil Cases, to request that the Court adjourn the initial conference scheduled in its Order of May 7, 2022, from May 11, 2022, until September 2, 2022, for the reasons sets forth below. We understand that Your Honor requires that any request for an adjournment be made five days in advance of the scheduled date, but there was an issue with the Court's electronic filing system on Friday, May 6, 2022, which prevented us from filing this letter at that time.

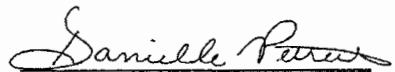
As the Court knows, on May 6, 2022, it so-ordered the parties' stipulation to conditional certification and related relief, allowing Defendants twenty-one days from May 6, 2022, to provide our office with a complete list of individuals who worked for Defendants at any time from February 2, 2019, through the present. Within seven days of our receipt of the list from Defendants' counsel, we will mail, email, and text the original Notice and Consent to Join Form, which thereafter

commences the sixty-day opt-in period. After the opt-in period runs its course, the parties would like an additional thirty days to mediate for whomever joins the case. As such, to preserve judicial and the parties' resources, we request that the Court adjourn the initial conference until after the opt-in period is over and after the parties have had a chance to mediate this matter. September 2, 2022, or a time thereafter, should be enough time for that to all occur.

This is the parties' first request to adjourn the initial conference date. As the Court just granted conditional certification and no scheduling order is yet in effect, there are no deadlines that will be affected should the Court grant this request.

We thank the Court for its time and attention to this matter.

Respectfully submitted,



Danielle Petretta, Esq.

*For the Firm*

C: Defendants' Counsel (via ECF)

Granted. The 5/11/22 conference is adjourned to 9/15/22, at 10:00

So ordered.  
  
5/9/22