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November 25, 2024

Via ECF

Hon. Nelson S. Román, U.S.D.J.
U.S. District Court, S.D.N.Y.
300 Quarropas Street
White Plains, NY 10601

Re: ***Rivera v. Pratt (Quality Carton), LLC***
Case Number: 7:23-cv-08018

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>11/26/2024</u>
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Motion Seeking to Stay the Summary Judgment Briefing Schedule Entered on 11/22/2024

Your Honor,

This letter is filed on behalf of the plaintiff Robin Rivera (“Plaintiff”) and in light of the summary judgment motion briefing schedule entered by the Court on 11/22/2024, at Dkt. No. 77. Plaintiff seeks to stay this order in light of the deposition of a non-party witness which hasn’t yet been completed and which the parties don’t anticipate will be able to be taken by 1/6/2025 (the deadline for Defendant to file its summary judgment motion). Plaintiff’s counsel has conferred with counsel for Defendant (Ms. Zucco) who does not object to this request.

By way of background, on 7/17/2024, the Court entered an order for the completion of discovery by 10/18/2024. Dkt. No. 56. On 10/22/2024, Plaintiff sought leave to recall two fact witnesses for continued depositions, Dkt. No. 59, an application which was granted by the Court (Reznik, J.). 10/31/2024 Minute Entry.

As mentioned in the joint status letter filed 11/15/2024, the follow-up deposition of one of these two witnesses (Amanda Fowler) was completed on 11/12/2024. The other deposition, however, has not yet taken place due to the unavailability of the other witness (a person named Dan Baratta), for the reasons outlined in the document filed under seal and then re-filed with redactions on 11/13/2024. Dkt. No. 70. Notably, the Court (Reznik, J.) issued an order permitting the deposition of Baratta to take place after the conference scheduled for 11/21/2024 (which was ultimately adjourned *sine die*, Dkt. No. 72). On 11/22/2024, the Court entered a briefing schedule for summary judgment motion practice. Dkt. No. 77.

On Friday, 11/22/2024 and Monday, 11/25/2024, the parties’ attorneys conferred. In brief, Plaintiff’s counsel inquired of Defendant’s counsel if Baratta were able to be produced for his recalled deposition prior to 1/6/2025 (the deadline for Defendant to file its motion), to which Ms. Zucco could not guarantee due to the fact that Baratta still does not have a return-to-work date.

MEMO ENDORSED

Based on the foregoing, Plaintiff respectfully seeks for the Court stay its order relating to a summary judgment motion briefing schedule until Baratta's recalled deposition can be completed, which will then conclude all discovery.

Plaintiff and counsel thank the Court for its attention to this letter.

Respectfully submitted,



Casey Wolnowski, Esq.
Attorney for Plaintiff

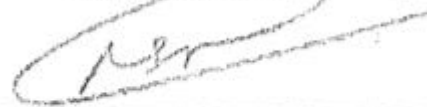
cc: Defendant's counsel (*via ECF*)

The Court GRANTS the Plaintiff's request to stay the briefing schedule related to Defendant's anticipated motion for summary judgment that the Court previously set on November 22, 2024. The Court vacates its previous order setting a briefing schedule. Upon completion of all relevant discovery, either party may seek leave of the Court to set a new briefing schedule. The Clerk of Court is kindly directed to terminate the motion at ECF No. 78.

Dated: November 26, 2024

White Plains, NY

SO ORDERED:



NELSON S. ROMÁN
United States District Judge