

Application denied to the extent the parties seek a stay of proceedings. The September 30, 2024 deadline to complete fact and expert discovery is extended to November 14, 2024. The October 14, 2024 deadline to file a joint letter concerning settlement/mediation is extended to November 28, 2024. The November 20, 2024 case management conference scheduled is adjourned sine die.

In light of the parties' September 24 letter (Doc. 40) informing the Court that they have reached a settlement in principle, the parties shall file, by October 24, 2024, either: (i) a joint *Cheeks* submission and fully executed proposed settlement agreement, or (ii) a Proposed Judgment pursuant to Federal Rule of Civil Procedure 68. *See Mei Xing Yu v. Hasaki Rest., Inc.*, 944 F.3d 395, 398 (2d Cir. 2019).

The Clerk of Court is respectfully requested to terminate the letter motion pending at Doc. 40.

FILE NO.: 17472.0002

SO ORDERED.

By ECF

Hon. Philip M. Halpern
U.S. District Court
Southern District of New York
300 Quarropas Street
White Plains, New York



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
September 24, 2024

Re: *Lopez Aguilar v. Empire Bagels Harrison, Inc. et al.*
Docket No. 7:23-cv-09229-PMH

Dear Judge Halpern:

This firm represents Defendants in the referenced action. On consent of Plaintiff's counsel, we write to inform the Court that the parties have reached an agreement, in principle, to settle this matter. To that end, the parties are working diligently to prepare a settlement agreement for review by the Court. If approved, the settlement agreement will result in a discontinuance of this action with prejudice. Given the impending settlement – which will obviate the need for further discovery – the parties hereby jointly request a stay of the deadlines to complete fact and expert discovery. The current deadline is September 30, 2024, and the parties respectfully request an extension, *sine die*, pending approval of the proposed settlement agreement. The parties also jointly request a corresponding extension, *sine die*, of the October 14, 2024 deadline to file a joint letter concerning settlement/mediation. This is the parties' second request for an extension of time to complete fact discovery, and the first request for an extension of time to complete expert discovery.

We thank the Court for its time and consideration of this request. If necessary, counsel will make ourselves available for a conference at the Court's convenience.

Respectfully submitted,

/s/ Joshua M. Zarccone

Joshua M. Zarccone