

VIA ECF

November 10, 2011

The Honorable Chief Magistrate Judge Steven M. Gold
225 Cadman Plaza East
Chambers 1217, Courtroom 13-D
Brooklyn, NY 11201

Re: Javier Saenzdeviteri v. FedEx Express; Case No.: CV-10-2324

Dear Judge Gold:

The purpose of this letter is to request that the Court allow the parties, by agreement, to extend the remaining deadlines for preparation and submission of the Pre-Trial Order in the above referenced matter. The parties propose that the extended deadlines, requested below, are consistent with the summary judgment briefing schedule recently set in this case and will promote justice and efficiency for the parties and the Court.

Pursuant to the Pre-Motion Conference held with Judge Block in the above referenced case on October 25, 2011, the parties agreed to the following briefing schedule for Defendant's Motion for Summary Judgment, which has been submitted to the Court:

- Defendant's Motion for Summary Judgment: November 28, 2011
- Plaintiff's Response: January 6, 2012
- Defendant's Reply: January 23, 2012

Your Honor's most recent direction in this case is a July 19, 2011 Minute Entry after a Status Conference on the same date. Dkt. No. 19. That Minute Entry, among other items, included a schedule for preparation of the Pre-Trial Order: Plaintiff's portion by October 21, 2011; Defendant's portion by November 14, 2011; and the Joint Pretrial Order submitted by November 29, 2011. Given the Summary Judgment briefing schedule, the parties agree and ask this Court to allow Defendant to serve its portion of the Pre-Trial Order on December 19, 2011 and for Plaintiff to file the Joint Pre-Trial Order by January 30, 2012.

The July 19, 2011 Minute Order also set a telephone conference for December 13, 2011 to discuss issues raised by the Pre-Trial Order. The parties jointly request that the telephone conference be rescheduled at the Court's convenience consistent with the requested extension of the Pre-Trial Order submission deadlines.

Sincerely,

/s/ Ben J. Scott

Ben J. Scott, Esq. (Admitted *Pro Hac Vice*)

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cc: Brian Thomas Carr, counsel for Plaintiff, via ECF

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