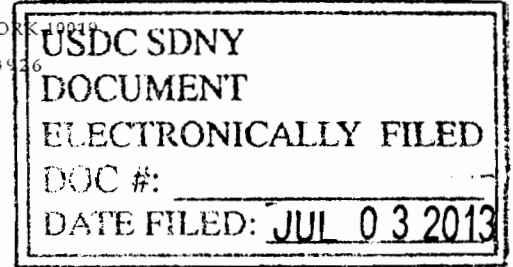


THE HARMAN FIRM, PC

ATTORNEYS & COUNSELORS AT LAW

200 WEST 57th STREET, SUITE 900, NEW YORK, NEW YORK 10019
TELEPHONE 212 425 2600 FAX 212 202 3946
WWW.THEHARMANFIRM.COM



June 27, 2013

VIA FACSIMILE (212) 805-0426

Hon. Laura Taylor Swain
United States District Court for the
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO UNRECORDED

Re: Justiniano et al. v. Phoenix Bevs. et al.,
13 CV 2332 (LTS)

Dear Judge Swain:

We represent the Plaintiffs in the above-referenced wage-and-hour action and write regarding the Court's June 28, 2013 Order, which stated that "Plaintiffs are directed, by July 3, 2013 to either 1) file opposition to Defendants' pending motion to dismissal or 2) request the dismissal with prejudice of this action in its entirety."

Plaintiffs respectfully request that Plaintiffs' opposition be due Friday, July 26, 2013. Generally, the party opposing a motion is given fourteen (14) days. *See Local Rules*, Rule 6.1(b). We respectfully propose that Plaintiffs should be granted the opportunity to fully and completely oppose this motion, which if granted, would prevent the aggrieved from ever seeking justice.

Further, Plaintiffs meanwhile must submit a motion in *Friedmann v. Raymour Furn.*, 12 CV 1307 (LDW)(AKT) (E.D.N.Y.); yesterday spent hours in court awaiting a tardy opposing counsel in *Villacampa v. Bayside Volkswagen*, 152980/2013, Sup. Ct., N.Y. Cty., and were under a separate court order to submit discovery demands yesterday in a tripartite case, *Robledo v. No. 9 Parfume Leasehold*, 12 CV 3579 (ALC)(DCF).

Finally, Plaintiffs' counsel is not fully staffed due to a previously scheduled vacation and an unexpected reduction in staff.

Hon. Laura Taylor Swain
June 27, 2013
Page 2 of 2

We thank the Court for its time and consideration.


Respectfully submitted,
THE HARMAN FIRM, PC

s/
Walker G. Harman, Jr. [WH-8044]

cc: Robert E. Crotty, Esq. (via email)
Eugene T. D'Ablemont, Esq. (via email)
Taraneh J. Marciano, Esq. (via email)
Peter J. Andrews (via email)

*The deadline is extended to
Tuesday July 9, 2013. No
further extensions. If Plaintiffs
do not take either of the specified
actions by that date, the
dismissal motion will be treated
as opposed.*

SO ORDERED:


7/2/13

HON. LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE