

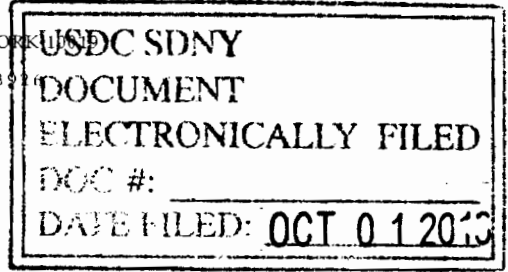
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September 27, 2013

VIA ECF

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

MEMO ENDORSED

**Re: Justiniano, et al. v. Phoenix Bevs., et al.,
13 CV 2332 (LTS)(JLC) (S.D.N.Y.)**

Dear Judge Swain:

We represent the named and putative Plaintiffs in the above-referenced collective wage-and-hour action.

We respectfully apologize that the Court has not yet been furnished with the Initial Conference Report as directed in the Initial Conference Order filed April 29, 2013. See Docket Entry 6, ¶ 5. Because of the pending Motion, subsequent directives, and other events that have taken place, we sincerely misunderstood the Court's schedule.

We have reached out to opposing counsel will endeavor to comply with the Court's Order as soon as possible. Defendants however have advised that they were not aware of any deadlines and that they were not aware of the forthcoming Conference, despite their appearance on the corresponding Notice of Electronic Filing. Given these complexities, we respectfully request until next Wednesday to submit the Initial Conference Report.

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 ECF)
- Eugene T. D'Ablemont, Esq. (via ECF)
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- Peter J. Andrews (via ECF)
- Brian M. Moss (via email, bmoss@theharmanfirm.com)
- Hon. Laura Taylor Swain (via facsimile, (212) 805-0426)
- Laura Fong (via email, laura_fong@nysd.uscourts.gov)

In light of the pending motion practice, the initial pretrial conference is adjourned to January 17, 2014, at 10:00AM and the related deadlines are modified accordingly. This endorsed order resolves docket entry no. 48.

SO ORDERED:

HON. LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE