

# SCHLICHTER BOGARD & DENTON, LLP

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May 4, 2020

**By ECF**

The Honorable George B. Daniels  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: *Cates v. Trustees of Columbia University*, 16-06524-GBD-SDA**  
Reply in Support of Doc. 363

Dear Judge Daniels:

Plaintiffs submit this letter in reply to Defendant's opposition (Doc. 364) to Plaintiffs' motion for the Court to set a trial date and pretrial deadlines in this matter (Doc. 363). Because Defendant raises two objections to Plaintiffs' schedule that it never mentioned in the meet-and-confer process, Plaintiffs write to address these concerns.

*First*, Defendant claims that Plaintiffs are attempting to gain a "strategic" advantage because of Defendant's inability to meet with witnesses and in-house counsel to prepare for trial. However, Defendant never mentioned an inability to meet with witnesses or in-house counsel in its discussions with Plaintiffs. *See* Doc. 363-1. Plaintiffs are not, and could not be, attempting to gain a strategic advantage from information of which they were not aware. Additionally, to address the current environment, Plaintiffs set the deadlines in their letter significantly further in the future than generally required. For example, Plaintiffs requested a deadline for the pretrial order 100 days after the Court's summary judgment decision, while the Court's normal practice requires filing of the pretrial order 30 days after the close of discovery. *Compare* Doc. 363 at 2 *with* Individual Practices of George B Daniels § VI.A. Plaintiffs' requested trial date is after October 1, 2020, more than six months after denial of summary judgment.

*Second*, Defendant is incorrect that Judge Forrest completely "cleared two weeks of her schedule" in *Sacerdote v. New York University*. As judges frequently do, Judge Forrest tried the case around other hearings and obligations, including sitting by designation on the Second Circuit. *See* Order Setting Trial Schedule, *Sacerdote v. New York Univ.*, No. 16-06284, Doc. 234 (Mar. 28, 2018) (providing the trial schedule which included several half days). While Plaintiffs do not contest that this will be a multiple week trial, this fact is no reason for delay as the Court regularly schedules long and complex trials.

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Respectfully submitted,

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cc: All counsel of record (via ECF)