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August 19, 2020

VIA ECF

MEMORANDUM ENDORSEMENT

Honorable Alison J. Nathan
United States District Court
Southern District of New York
40 Foley Square, Room 2102
New York, New York 10007

Re: *Joseph v. Springer Nature et al.*, 1:20-cv-04672-AJN

Dear Judge Nathan:

We are counsel for Defendants Springer Nature America, Inc. and Springer Nature Academic Publishing, Inc. (together “U.S. Defendants”), the only two defendants that have been properly served to date in the above-referenced action.¹

We write to request that the Court grant an extension for the U.S. Defendants to respond to the Complaint from the current deadline of August 27, 2020 to October 9, 2020. The U.S. Defendants intend to move to dismiss the Complaint on the grounds that they are improper defendants unrelated to the claims in the Complaint, all of which pertain to Springer Nature B.V., a Dutch company that contracted with the Plaintiff and that publishes the journal at issue. The U.S. Defendants have so informed the pro se Plaintiff in this action.

The U.S. Defendants request this extension to give them and counsel sufficient time, in light of the pandemic, to investigate further the facts surrounding Plaintiff’s claim and prepare their impending motion. The U.S. Defendants have not previously requested an extension of time to file a responsive pleading and the requested extension will not affect any other deadlines or appearances in this case. The U.S. Defendants approached pro se Plaintiff to request an extension and he declined to consent unless defense counsel agreed to accept service on behalf of all defendants, which we are not authorized to do.

¹ In the event the other defendants in this lawsuit are properly served, this law firm will represent them as well. We note that while defense counsel have informed pro se Plaintiff Dr. Rhawn Joseph that his attempts to serve the other defendants do not constitute effective service, pro se Plaintiff disagrees and asserts that he has made good service on the other defendants.

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Respectfully submitted,

Davis Wright Tremaine LLP


/s/ Jeremy A. Chase

Jeremy A. Chase

cc: Dr. Rhawn Joseph, *pro se* plaintiff

The defendants' time to respond to the operative complaint is extended on consent to October 9, 2020.

So Ordered.



GABRIEL W. CORENSTEIN
United States Magistrate Judge
August 20, 2020