

MEMO ENDORSED

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Law Offices of
SUSAN CHANA LASK

244 Fifth Avenue, Suite 2369
New York, N.Y. 10001

(917) 300-1958

www.appellate-brief.com

VIA ECF
July 28, 2017

Hon. Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Courtroom 618
New York, NY 10007-1312

Re: Matthew Christiansen v. Omnicom Group Inc. et al., 15 CV 3440 (KPF)

Dear Judge Failla:

This office represents the plaintiff in the above-captioned matter. I respectfully request that the stay be lifted or holding a pre-motion conference on lifting the stay.

This court stayed this case pending the outcome of *Zarda* in the Second Circuit. Unlike *Zarda* that lost all claims, the Second Circuit granted Mr. Christiansen his cause of action for sexual stereotyping. The only effect to this case is that if *Zarda* prevails then Plaintiff's sexual orientation cause of action is revived. However, sexual stereotyping and sexual orientation claims subsume each other when it comes to discovery and evidence. The same discovery would be sought regarding those causes of action and Title VII discrimination.

This case is over two years old. Parties and witnesses are relocating and will be hard to find. Also, the case should move forward so R. 26 discovery can be exchanged. Notably, plaintiff has a right to review defendants' insurance coverage and related initial discovery. At least the court should order that exchange now. Finally, plaintiff wants to amend his complaint regarding damages related to his physical injuries. That amendment should be allowed as matter of course. All of that can be achieved without awaiting *Zarda*

It would benefit the case to get R. 26 discovery and a preliminary conference order to schedule discovery and other matters.

I respectfully request that the Court lift the stay, or, alternatively permit a pre-motion conference or permit motions filed on the issue of lifting the stay.

Very truly yours,
LAW OFFICES OF SUSAN CHANA LASK

/s Susan Chana Lask

SUSAN CHANA LASK

It is hereby ORDERED that Defendants will submit a letter response to Plaintiff's application by August 3, 2017.

Dated: July 28, 2017
New York, New York

SO ORDERED.

A handwritten signature in blue ink that reads "Katherine Polk Faila". The signature is written in a cursive, flowing style.

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE