



August 13, 2019

VIA ECF

The Honorable Cathy L. Waldor
United States Magistrate Judge
U.S. District Court for the District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

Christopher S. Mayer
Partner
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Re: Conforti v. St. Joseph's Healthcare System, Inc., et al.,
Case No. 2:17-cv-00050 (CCC/CLW)

Dear Judge Waldor:

As Your Honor is aware, Defendants St. Joseph's Health, Inc., St. Joseph's University Medical Center, Inc., and Father Martin D. Rooney have filed a Motion to Compel the Mental Examination of Plaintiff [D.E. 96], which is scheduled for the upcoming August 19, 2019 motion day. Last night, we filed a Reply Brief in further support of the Motion to Compel [D.E. 101 and 102], but in our haste to respond to arguments made in Plaintiff's 24-page opposition brief, we neglected to seek prior permission of the Court to file a reply in accordance with Local Civil Rules 7.1 and 37.1(b)(3). We apologize for this oversight and write to respectfully ask that this Court grant leave nunc pro tunc and accept Defendants' Reply Brief.

Defendants were compelled to file a reply brief to respond to the numerous multi-jurisdictional cases relied upon by Plaintiff in his opposition brief. Defendants further sought to address a number of factual and legal arguments in Plaintiff's opposition brief that required clarification and that Defendants believe to be highly relevant to the disposition of Defendants' motion. Just as Plaintiff felt that the issues raised in his pending motion to quash Defendants' subpoenas to health care providers [D.E. 70] were sufficiently important to request leave to file reply papers [D.E. 74, 76], Defendants respectfully submit that the issues raised in the instant motion to compel a mental examination are equally important to their defenses in this case and similarly justify the Court's consideration of Defendants' short reply.

In light of the foregoing, counsel for Defendants respectfully requests that the Court accept their Reply Brief as filed in accordance with Local Civil Rules 7.1 and 37.1(b)(3).

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We thank the Court for its continued time and attention to this matter.

Respectfully Submitted,

/s Christopher S. Mayer

Christopher S. Mayer

cc: Jaclyn M. Palmerson, Esq. (via ECF and email)
Tom Barnes, Esq. (via email)
Omar Gonzalez-Pagan, Esq. (via email)