



WILLIAM P. DENI, JR.
Director

MEMO ENDORSE

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April 24, 2020

4/28/20

VIA ECF

Hon. Colleen McMahon, U.S.D.J.
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007-1312

Ok, the trial is adjourned to July 6, 2020. The Court will schedule a telephone conference in the near future to discuss trial logistics.

**Re: Ferring Pharm. Inc., et al. v. Serenity Pharm. LLC, et al.
Case No. 17-9922 (CM) (SDA)**

Dear Judge McMahon:

This firm, along with Womble Bond Dickinson (US) LLP, represents Plaintiffs Ferring Pharmaceuticals Inc., Ferring B.V., and Ferring International Center S.A. (collectively, "Ferring") in the above-referenced matter. We write, jointly with counsel for Counterclaimants Serenity Pharmaceuticals, LLC and Reprise Biopharmaceutics, LLC (collectively, "Counterclaimants") in response to the Court's April 23, 2020 Notice to Counsel regarding the scheduling of trial and trial logistics in light on the ongoing pandemic.

The parties are prepared and wish to move forward with trial in this matter as soon as it is feasibly possible, but current travel and business restrictions make the logistics of doing so on May 26 uncertain. Even putting aside travel restrictions for the non-US witnesses, many of the jurisdictions in which counsel and witnesses reside remain under stay at home orders and/or directives through at least May 15, which are likely to be extended further, and at least one witness (who resides in Chicago, Illinois) remains under a stay at home order through May 30. With these orders in place, it may prove difficult to arrange for even virtual witness testimony. The parties have met and conferred, and jointly request that the start of trial be adjourned for a short period so as to allow more certainty moving forward—recognizing, as indicated in Your April 23 notice, that any such extension would be only for a short period of time.

To that end, subject to the Court's availability, the parties respectfully request that the start of trial be adjourned until the week of July 6, 2020. Presently, all parties and their respective witnesses have full availability the weeks of July 6 and 13, and the parties believe that moving the start date in this manner provides the best chance of all witnesses and the clients being able to attend trial in person, which remains all parties' strong preference. However, recognizing the constraints on the Court, the parties can confirm that they also are available the weeks of June 15 and June 22, but note that there still may be some restrictions on travel in place at that time. Although such restrictions may require certain accommodations for certain non-US and/or high-risk witnesses, the parties expect that the easing of other restrictions in the interim will allow the parties and their respective witness(es) to make alternative arrangements as necessary. But in light of

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logistical issues exacerbated by current travel and stay at home restrictions, the parties respectfully submit that June 15 would be the earliest practicable date for an efficient and fair trial.

Respectfully submitted,

s/ William P. Deni, Jr.

William P. Deni, Jr.

cc: All Counsel of Record (via ECF)