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Via ECF

Hon. Eric R. Komitee
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Cement & Concrete Workers v. New York Presbyterian Hospital*,
25-cv-05571 (“*Cement Workers*”)
Response to Plaintiffs’ Letter Requesting Transfer and Reassignment

Dear Judge Komitee:

New York Presbyterian (NYP) submits this letter in opposition to Plaintiffs’ request (ECF 15) that this case be transferred and re-assigned to the Magistrate assigned to a related case, *UFCW Local 1500 Welfare Fund v. The New York and Presbyterian Hospital*, No. 25-cv-05023 (“*Food Workers*”).

The Motion is Premature. As an initial matter, the parties are in the midst of meeting and conferring regarding initial scheduling and organizing for the cases. All parties agree the cases should be consolidated, but disagree in which Division and before which Judge consolidation should occur. To that end, the parties are currently preparing a joint letter to be submitted on both dockets, which will address, among other things, the appropriate docket, Division, and Judge for consolidation.

The Cases Should Be Consolidated In This Court. We believe the request should be denied because none of the parties in either case have consented to a magistrate judge for all purposes. Rather, we believe that this case should remain pending in this court, with Your Honor presiding, and that the UFCW case be transferred here. While the *Food Workers* case is technically the lower-filed case *in this District*, it was actually filed later in time than the instant matter. The *Cement Workers* case was first filed in the Southern District of New York on July 25, 2025 at 25-cv-06140 (S.D.N.Y.)—the district in which Cement Workers resides. That matter was only dismissed and re-filed here after the Food Workers followed in the Cement Workers’ footsteps but chose to file in the Eastern District. They did this so that “both cases [can be assigned] to the same judge,” which would allow Plaintiffs to “move to consolidate the two actions.” See ECF 14. That goal can be achieved by keeping both cases here, which is the first-filed case and where there is a District Judge assigned.

Accordingly, NYP requests that Plaintiffs’ letter motion be denied.



Page 2

Respectfully submitted,

/s/ David A. Munkittrick

Counsel for New York Presbyterian Hospital