



88 Pine Street, Suite 2810
New York, New York 10005



DICELLO LEVITT

485 Lexington Ave., Suite 10001
New York, New York 10017

January 13, 2026

Via ECF

Hon. Eric N. Vitaliano
United States District Court
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *UFCW Local 1500 Welfare Fund v. The New York & Presbyterian Hosp.*, No.
2:25-cv-05023-ENV-AYS (E.D.N.Y.)

Dear Judge Vitaliano:

We represent the Plaintiff in the above-captioned matter ("*UFCW*"). At yesterday's initial conference before Magistrate Judge Shields addressing both this matter and the related matter *Cement and Concrete Workers DC Benefit Fund v. The New York Presbyterian Hospital*, No. 25-cv-5571 (E.D.N.Y.) ("*Cement Workers*"), Judge Shields informed the Parties that she does not have the authority to rule on the identical, unopposed motions to consolidate pending in both matters (*Cement Workers*, ECF Nos. 18 & 19; *UFCW*, ECF Nos. 23 & 24), and that either this Court or Judge Azrack (presiding in *Cement Workers*) must do so.

Plaintiff writes to reiterate the Parties' request to consolidate. All Parties agree that the matters should be consolidated, for the reasons outlined in the Parties' prior filings. ECF Nos. 23 & 24. Further, consolidation now would enable the Parties to proceed expeditiously and efficiently with litigating these actions, both of which have been on file for over 4 months without an answer or motion to dismiss from Defendant. With the consolidation motions outstanding, the Parties have been unable to move this case forward.

Plaintiff further submits that the matters should be consolidated in front of the Court in Central Islip, rather than this Court, given that (1) both Plaintiffs initially sought to bring their action in Islip, *see Cement Workers* ECF No. 15, and (2) Judge Shields, who also sits in Islip, has already reviewed the initial papers in the case and indicated at yesterday's conference that she is ready to begin managing discovery in a consolidated action.

Respectfully submitted,

/s/ Gregory S. Asciolla

Gregory S. Asciolla
Geraldyn J. Trujillo
DICELLO LEVITT LLP
485 Lexington Avenue, Suite 1001
New York, New York 10017
(646) 933-1000
gasciolla@dicellolevitt.com
gtrujillo@dicellolevitt.com

/s/ Deborah A. Elman

Deborah A. Elman
David B. Rochelson
GARWIN GERSTEIN & FISHER LLP
88 Pine St, Suite 2810
New York, NY 10005
(212) 398-0055
delman@garwingerstein.com
drochelson@garwingerstein.com

*Counsel for Plaintiff UFCW Local 1500 Welfare Fund
and the Putative Class*

CC: *Counsel of Record (via ECF)*