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June 18, 2026

**VIA ECF**

Hon. Brian M. Cogan  
U.S. District Court for the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *UFCW Local 1500 Welfare Fund v. The New York & Presbyterian Hospital*, No. 2:25-cv-5023 (E.D.N.Y.); and *Cement and Concrete Workers DC Benefit Fund et al. v. The New York & Presbyterian Hospital*, No. 1:25-cv-5571 (E.D.N.Y.)  
Pre-Motion Conference Letter

Dear Judge Cogan:

Counsel for Plaintiff UFCW Local 1500 Welfare Fund and counsel for Plaintiffs Cement and Concrete Workers DC Benefit Fund and Pointers, Cleaners, and Caulkers Local 1 Welfare Fund intend to file motions seeking appointment as interim lead class counsel pursuant to Federal Rule of Civil Procedure 23(g)(3). As Plaintiffs explained in previous filings, the appointment of interim class counsel is “essential for efficient case management” of this litigation, particularly in advance of Defendant’s anticipated motion to dismiss. *See UFCW Local 1500*, No. 2:25-cv-5023 (Nov. 14, 2025), ECF No. 24, at 3-4; *Cement & Concrete Workers*, No. 1:25-cv-5571 (Nov. 14, 2025), ECF No. 19, at 3-4 (quoting *Delre v. Perry*, 288 F.R.D. 241, 247 (E.D.N.Y. 2012)).

Magistrate Judge Shields’s Report & Recommendation, which this Court adopted in both actions (Minute Entry, May 21, 2026), directed that, following the filing of a consolidated complaint, the parties could “submit appropriate pre-motion letters to the District Court to enable that Court to consider the scheduling of motions for appointment of lead counsel and/or a motion to dismiss the consolidated class action complaint.” *See R. & R., UFCW Local 1500*, No. 2:25-cv-5023, ECF No. 54, at 9 (Apr. 22, 2026); *R. & R., Cement & Concrete Workers*, No. 1:25-cv-5571, ECF No. 30, at 9 (Apr. 22, 2026). Accordingly, Plaintiffs submit this letter to notify the Court of their intention to file motions for appointment of interim lead counsel and to respectfully request that the Court establish June 26, 2026 as the deadline for the filing of those motions.<sup>1</sup>

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<sup>1</sup> Plaintiffs note that while Your Honor’s Individual Practices generally require a pre-motion conference before the filing of motions, the Court has previously stated that “this Court does not require a premotion conference for lead counsel/consolidation motions.” *See Nath v.*

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Plaintiffs' counsel for each case, however, do not agree as to whether a response should be permitted to their respective leadership motions. Counsel for UFCW Local 1500 do not believe responsive filings are necessary in this instance given that Plaintiffs will each have sufficient opportunity (8,750 words) to state their position in their moving papers and additional papers will needlessly burden the Court. Counsel for Cement Workers and Pointers, Cleaners, and Caulkers Local 1 request that the Court set a deadline of July 6, 2026 for any responsive brief by each competing leadership slate. Counsel for Cement Workers and Pointers, Cleaners, and Caulkers Local 1 submit that responses will assist the Court in deciding the motions, and that any responsive briefing should be limited to the 3500 words permitted for reply briefs pursuant to Local Civil Rule 7.1(c).

Plaintiffs reached out to Defendant for its position. In response, Defendant stated by email: "NYP opposes your motion. Please note our opposition in your letter, and inform the Court that NYP will be responding to your letter motion." Plaintiffs' preliminary response to Defendant's position is as follows: Defendant has no stake in this Court's appointment of interim lead class counsel, including the timing of that decision. *Cf. Andrews Farms v. Calcot, LTD.*, 2010 WL 3341963, at \*6 (E.D. Cal. Aug. 23, 2010) (allowing a defendant to provide input on the issue of adequate representation "is a bit like permitting a fox, although with a pious countenance, to take charge of the chicken house") (quoting *Eggleston v. Chi. Journeyman Plumbers Local Union No. 130*, 657 F.2d 890, 895 (7th Cir. 1981)).

Respectfully submitted,

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*Lightspeed Commerce Inc.*, No. 1:21-cv-06365, Minute Entry (E.D.N.Y. Jan. 19, 2022). Should the Court decide a pre-motion conference is appropriate here, Plaintiffs can be available at the Court's convenience.

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Cc: Counsel of record (via ECF)