

SUSMAN GODFREY L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP

ONE MANHATTAN WEST  
NEW YORK, NY 10001-8602  
(212) 336-8330  
FAX (212) 336-8340  
WWW.SUSMANGODFREY.COM

1000 LOUISIANA  
SUITE 5100  
HOUSTON, TX 77002-5096  
(713) 651-9366

401 UNION STREET  
SUITE 3000  
SEATTLE, WA 98101-2668  
(206) 516-3880

1900 AVENUE OF THE STARS  
SUITE 1400  
LOS ANGELES, CA 90067  
(310) 789-3100

JEFFREY XIA  
DIRECT DIAL (212) 729-2080

E-MAIL JXIA@SUSMANGODFREY.COM

October 8, 2026

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

Re: *Cement and Concrete Workers DC Benefit Fund et al. v. The New York & Presbyterian Hospital*, No. 1:25-cv-5571 (E.D.N.Y.)  
Letter Requesting Reversal of Case Termination

Dear Judge Cogan:

Plaintiffs Cement and Concrete Workers DC Benefit Fund (“CCWDC”) and Pointers, Cleaners, and Caulkers Local 1 Welfare Fund (“PCC,” collectively “Plaintiffs”) respectfully request that the Court vacate the termination of this case entered on October 8, 2026.

On May 8, 2026, this case was consolidated with *UFCW Local 1500 Welfare Fund v. The New York & Presbyterian Hospital*, No. 2:25-cv-5023 (E.D.N.Y.). On October 7, 2026, counsel for UFCW Local 1500 Welfare Fund (“UFCW”) filed a notice of voluntary dismissal, which was docketed in both the *UFCW* and *CCWDC* actions. That notice was filed solely on behalf of UFCW, not CCWDC or PCC. *See* UFCW Dkt. No. 59 (“Plaintiff UFCW Local 1500 Welfare Fund voluntarily dismisses all of its claims without prejudice in its individual action and the consolidated action against Defendant[.]”).

This morning, however, Plaintiffs received notice that both the *UFCW* action and this action had been “[t]erminated as per Notice of Voluntary Dismissal.” Plaintiffs have not filed a notice of voluntary dismissal and intend to continue prosecuting their claims. Plaintiffs therefore respectfully request that the Court vacate the termination and restore this case to the active docket.

Sincerely,

Jeffrey Xia