

# Cooley

U.S. DISTRICT COURT
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Via ECF & By Hand

Alan Levine  
+1 212 479 6260  
alevine@cooley.com

8/22/2019

August 21, 2019

Honorable Colleen McMahon  
Chief U.S. District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007

This case is already 2 years old. I will not adjourn one die. I will just tell deadline by ~~the~~ months, assembly to California and actually happens. The keep me posted. If the California case settles I want to know it. If the trial date moves I want to know it.

Re: *In re: Elysium Health-ChromaDex Litigation, No. 1:17-cv-07394 (CM)*

Dear Judge McMahon:

Plaintiff ChromaDex, Inc. hereby files this letter-motion seeking an adjournment of the deadlines ordered by the Court in the parties' Case Management Plan (Dkt. No. 77) (annexed hereto as Exhibit A). The parties are in the process of meeting and conferring regarding discovery requests and preparing their respective productions of documents. However, the parties are also preparing for trial in the matter *ChromaDex, Inc. v. Elysium Health, Inc. and Mark Morris*, No. 8:16-cv-02277-CJC (DFM), pending in the United States District Court for the Central District of California. That trial is scheduled to begin October 15, 2019, with motions in limine and pretrial submissions due between now and September 18, the date of the pretrial conference. Accordingly, in the interests of efficiency and fairness, Plaintiff requests that the deadlines set in the parties' Case Management Plan in this action be adjourned, *sine die*. Defendant Elysium Health, Inc. consents to this request and the parties jointly agree to meet-and-confer within seven days of the completion of the California trial regarding a revised case management plan, and submit said plan for the Court's approval as soon as practicable.<sup>1</sup> No prior requests for this relief have been made by the parties.

Sincerely,  
*/s/ Alan Levine*  
Alan Levine

SO ORDERED:

  
Honorable Colleen McMahon  
United States District Judge

Enclosure

<sup>1</sup> The parties anticipate adjourning the deadlines in the Case Management Plan, beginning with the August 9, 2019 deadline to amend pleadings, to between 60 and 90 days from the end of the California trial, and otherwise retaining the pace of the schedule embodied in the Case Management Plan, to the greatest extent possible.