

CARELLA, BYRNE, CECCHI, OLSTEIN, BRODY & AGNELLO, P.C.
COUNSELLORS AT LAW

CHARLES C. CARELLA
JAN ALAN BRODY
JOHN M. AGNELLO
CHARLES M. CARELLA
JAMES E. CECCHI

DONALD F. MICELI
CARL R. WOODWARD, III
MELISSA E. FLAX
DAVID G. GILFILLAN
G. GLENNON TROUBLEFIELD
BRIAN H. FENLON
LINDSEY H. TAYLOR
CAROLINE F. BARTLETT
ZACHARY S. BOWER+
DONALD A. ECKLUND
CHRISTOPHER H. WESTRICK*
STEPHEN R. DANEK
MICHAEL A. INNES

**5 BECKER FARM ROAD
ROSELAND, N.J. 07068-1739
PHONE (973) 994-1700
FAX (973) 994-1744
www.carellabyrne.com**

PETER G. STEWART
FRANCIS C. HAND
AVRAM S. EULE
JAMES A. O'BRIEN, III
JOHN G. ESMERADO
STEVEN G. TYSON
MATTHEW J. CERES
MARC D. MORY

OF COUNSEL

RAYMOND J. LILLIE
MEGAN A. NATALE
GREGORY G. MAROTTA
KEVIN G. COOPER
MARYSSA P. GEIST
JORDAN M. STEELE**
ZACHARY A. JACOBS***
WILLIAM H. WILLIAMS, X
MICHAEL K. BELOSTOCK
BRIAN F. O'TOOLE**

*CERTIFIED BY THE SUPREME COURT OF
NEW JERSEY AS A CIVIL TRIAL ATTORNEY
+MEMBER FL BAR ONLY
**MEMBER NY BAR ONLY
***MEMBER IL BAR ONLY

April 14, 2022

VIA E-MAIL

Chief Judge Freda L. Wolfson
United States District Court
S. Fisher Federal Building & Courthouse
402 East State Street
Trenton, New Jersey 08608

RE: *Caride, et al. vs. Altman, et al.*
Civ. Action No. 3:22-cv-01329 (FLW) (LHG)
Our File No. 655510-2

Dear Judge Wolfson,

We represent Plaintiffs in the above-captioned action. We write on behalf of Commissioner Marlene Caride and the New Jersey Department of Banking and Insurance ("Plaintiffs") to request an extension of time for Plaintiffs to respond to Defendants' motion to stay (ECF No. 7, the "Motion to Stay").

Pending before Your Honor are Plaintiffs' motion to remand and Defendants' motion to dismiss and motion for a stay. Plaintiffs' motion to remand has a return date of May 16, 2022 and likewise the return date of Defendants' motion to dismiss is May 16, 2022. Plaintiffs previously requested an automatic stay of the Motion to Stay pursuant to Rule 7.1(d)(5), however the Clerk of Court has yet to act on the request.

My office emailed counsel for Defendants on two occasions to request a brief extension of time to respond to their motion to stay. I am scheduled to be out of the office starting on Wednesday, April 13, 2022 due to pre-planned travel, I will be visiting family out-of-state to coincide with my children's spring break from elementary school. I understood that Defendants are anxious obtain a decision on their motions, particularly the motion to stay, but believed there to be little prejudice by a brief extension as a matter of courtesy between counsel. That was not the case.

Counsel for Defendants offered a willingness to consent only if Plaintiffs agree that the hearing date for Defendants' motion to stay is at least two weeks before the other motions. That is unacceptable. Inasmuch as Defendants believe that their motion to stay is a priority for its potential to obviate further briefing, the motion to remand and/or abstain is equally important to Plaintiffs.

ORDERED that Plaintiffs' opposition to Defendants' motion to stay shall be filed by May 2, 2022; Defendants' reply, if any, must be filed by May 9, 2022.

DATED: 4/15/2022

/s/ Freda L. Wolfson
Hon. Freda L. Wolfson, USCDJ

April 14, 2022

Page 2 of 2

Plaintiffs believe that the threshold issue of subject matter jurisdiction is of fundamental importance and should be resolved before any other motions are addressed by the Court. I explained to Defendants' counsel that, in my view, the Court will manage its own calendar and decide which motion to consider first. And as matter of professional courtesy, I would have anticipated that Defendants' counsel would accommodate my schedule with family without these conditions.

Accordingly, I am writing to request a brief extension of the deadline for Plaintiffs to file their opposition to Defendants' Motion to Stay. The present deadline for Plaintiffs to submit their opposition papers is April 18, 2022, which is the date that I am scheduled to return to New Jersey with my family.

I am respectfully requesting a brief two-week adjournment to submit Plaintiffs' opposition papers. Of course, I will accept any extension Your Honor might grant to me. I also submit that it appears more practical to have all motions share the same return date. During oral argument, counsel can address their respective positions as to the sequence and priority of when the motions should be decided by the Court. In that way, all parties will have the same opportunities to present arguments directed to the importance of their respective motions.

I will abide by any decision by the Court regarding this extension request and thank Your Honor for reviewing my request.

Respectfully submitted,

CARELLA, BYRNE, CECCHI,
OLSTEIN, BRODY & AGNELLO, P.C.

/s/ G. Glennon Troublefield

G. GLENNON TROUBLEFIELD

cc: All Counsel (via ECF)