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August 23, 2022

VIA NYSCEF

**Hon. Christopher Baker
Supreme Court Chambers
Justice Building
203-209 William Street
Elmira, New York 14902**

**RE: Merissa Green v. Board of Education of the Watkins Glen Central School, et al.
Index No.: E2021-0003 Schuyler County**

Dear Justice Baker,

As the Court is aware, my office represents the School District Defendants in the above-referenced matter. In keeping with the Court's Scheduling Order, Plaintiff filed the Note of Issue on August 11, 2022. The Note of Issue, however, incorrectly states that the School District Defendants waived Plaintiff's IME. There was no waiver as we previously served Plaintiff with an IME Notice and have been attempting to schedule the examination as close as possible to Plaintiff's residence. However, given the current state of the medical community, we were unable to locate experts to conduct the IMEs in Corning or Elmira.

To avoid disrupting the Court's Scheduling Order and the time-table laid out therein, we contacted Plaintiff's Counsel to work through this issue. Counsel has consented to the School Defendants conducting Post-Note of Issue IMEs of Ms. Green, while also consenting to a broader search area for viable experts to conduct the IMEs.

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We respectfully request Your Honor "So Order" this letter granting the School District Defendants forty-five (45) days to conduct Post-Note of Issue IMEs of Plaintiff, Merissa Green. Thank you for your consideration in this matter.

Respectfully submitted,

MCGIVNEY KLUGER CLARK & INTOCCIA, P.C.



Robert J. Connor, Jr., Esq.

Cc: Michael A. Donlon, Esq. via NYSCEF

SO ORDERED:



Hon. Christopher Baker, J.S.C.

8/29/22
Date