

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TEYO JOHNSON,		:
		:
	Plaintiff,	:
		:
		:
	-v-	:
		:
EVERYREALM, INC., et al.,		:
		:
	Defendants.	:
		:
----- X		:

22 Civ. 6669 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court late last night received an urgent request by email from Shane Seppinni, Esq., counsel for plaintiff Tevo Johnson, seeking, on account of a medical emergency, an adjournment of the Friday, April 28, 2023 deadline for filing of his opposition to defendants’ partial motion to dismiss. Mr. Seppinni explains, *inter alia*, that his wife unexpectedly went into labor and delivered their child yesterday. Mr. Seppinni’s email also attaches an email chain in which counsel for defendants Everyrealm, Inc., Julia Schwartz, Janine Yorio, and William Kerr state that they are “only willing” to consent to the three-week adjournment requested by Mr. Seppinni if Mr. Seppinni meets five demands, only two of which relate to this litigation; the others relate to three separate lawsuits, now in arbitration, which Mr. Seppinni brought against Everyrealm on behalf of other clients. Defendants’ demands, verbatim, are:

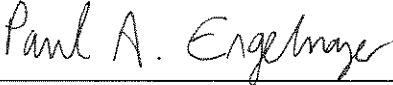
1. The Rule 12(b)(6) briefing in Johnson is to be completed before commencement of your proposed stay, with no further extensions to Johnson’s Rule 12 briefing deadlines;
2. Virgil agrees to submit his Amended Statement of Claim by May 5, 2023, and the Rule 12 briefing in that arbitration must be completed before commencement of your proposed stay;

3. All discovery in Virgil must be stayed pending adjudication of the Rule 12 briefing in that arbitration;
4. Johnson serves his initial disclosures by April 28, 2023 (they were due on March 28); and
5. You agree to consolidate the Frimpong/Yost/Virgil arbitrations under Arbitrator Feliu, with the caveat that your clients can object to the holding of a single arbitration hearing as to all three arbitrations.

The Court **unconditionally** grants Mr. Seppinni's request for a three-week adjournment for his opposition, which is now due May 19, 2023. The Court grants defendants a corresponding three-week extension for their reply, which is now due May 26, 2023. This order is without prejudice to Mr. Seppinni's right, in the event of continuing medical complications, to seek a further extension of these deadlines, as Mr. Seppinni's email to the Court suggests may become necessary.

The Court congratulates Mr. Seppinni and his family on the birth of their child and wishes Mr. Seppinni's wife a speedy and full recovery. The Court reminds defense counsel of the expectation of the judges in this District that counsel will comport themselves with decency. Counsel's attempt to exploit a moment of obvious personal exigency to extract concessions from Mr. Seppinni, in other litigations no less, was unprofessional. The Court expects better.

SO ORDERED.

  
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Paul A. Engelmayer  
United States District Judge

Dated: April 26, 2023  
New York, New York