

EXHIBIT 2004

**U.S. District Court
District of Delaware (Wilmington)
CIVIL DOCKET FOR CASE #: 1:23-cv-00826-JHS**

Institute for Environmental Health, Inc. v. National Beef
Packing Company, LLC
Assigned to: Judge Joel H Slomsky
Cause: 35:1 Patent Infringement

Date Filed: 08/01/2023
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

**Institute for Environmental Health,
Inc.**

represented by **David Ellis Moore**
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V.

Defendant

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Counter Claimant

National Beef Packing Company, LLC

represented by **Frederick L. Cottrell , III**
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Christine Dealy Haynes
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V.

Counter Defendant

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Samantha N. Hunt
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Xiang Li
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Counter Defendant

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Date Filed	#	Docket Text
08/01/2023	<u>1</u>	COMPLAINT filed with Jury Demand against National Beef Packing Company, LLC (Filing fee \$ 402, receipt number ADEDC-4191098.) – filed by Institute for Environmental Health, Inc.. (Attachments: # <u>1</u> Exhibit A–H, # <u>2</u> Civil Cover Sheet)(mpb) (Entered: 08/01/2023)
08/01/2023	<u>2</u>	Notice, Consent and Referral forms re: U.S. Magistrate Judge jurisdiction. (mpb) (Entered: 08/01/2023)
08/01/2023	<u>3</u>	Report to the Commissioner of Patents and Trademarks for Patent/Trademark Number(s) No. 7,534,584 ;No. 8,822,143 ;No. 9,637,771 ;No. 9,845,486. (mpb) (Entered: 08/01/2023)
08/01/2023	<u>4</u>	Disclosure Statement pursuant to Rule 7.1: No Parents or Affiliates Listed filed by Institute for Environmental Health, Inc.. (mpb) (Entered: 08/01/2023)
08/01/2023	<u>5</u>	Summons Issued as to National Beef Packing Company, LLC on 8/1/2023. (mpb) (Entered: 08/01/2023)
08/01/2023	<u>6</u>	SUMMONS Returned Executed by Institute for Environmental Health, Inc..National Beef Packing Company, LLC served on 8/1/2023, answer due 8/22/2023. (Moore, David) (Entered: 08/01/2023)

08/02/2023		Case Assigned to Judge Colm F. Connolly. Please include the initials of the Judge (CFC) after the case number on all documents filed. (rjb) (Entered: 08/02/2023)
08/03/2023	<u>7</u>	STANDING ORDER REGARDING BRIEFING IN ALL CASES (nmf) (Entered: 08/03/2023)
08/03/2023	<u>8</u>	MOTION for Pro Hac Vice Appearance of Attorney Benjamin J. Byer, Xiang Li and Jennifer K. Chung of Davis Wright Tremaine LLP – filed by Institute for Environmental Health, Inc.. (Palapura, Bindu) (Entered: 08/03/2023)
08/03/2023		SO ORDERED, re <u>8</u> MOTION for Pro Hac Vice Appearance of Attorney Benjamin J. Byer, Xiang Li and Jennifer K. Chung of Davis Wright Tremaine LLP, filed by Institute for Environmental Health, Inc. Ordered by Judge Colm F. Connolly on 8/3/2023. (kmd) (Entered: 08/03/2023)
08/11/2023		Pro Hac Vice Attorney Jennifer K. Chung, Benjamin J. Byer, Xiang Li for Institute for Environmental Health, Inc. added for electronic noticing. Pursuant to Local Rule 83.5 (d)., Delaware counsel shall be the registered users of CM/ECF and shall be required to file all papers. (apk) (Entered: 08/11/2023)
08/18/2023	<u>9</u>	STIPULATION TO EXTEND TIME to move, answer, or otherwise respond to the Complaint to September 25, 2023 – filed by National Beef Packing Company, LLC. (Haynes, Christine) (Entered: 08/18/2023)
08/21/2023	<u>10</u>	NOTICE of Appearance by Frederick L. Cottrell, III on behalf of National Beef Packing Company, LLC (Cottrell, Frederick) (Entered: 08/21/2023)
08/22/2023		SO ORDERED, re <u>9</u> STIPULATION TO EXTEND TIME to move, answer, or otherwise respond to the Complaint to September 25, 2023, filed by National Beef Packing Company, LLC. Reset Answer Deadlines: National Beef Packing Company, LLC answer due 9/25/2023. Ordered by Judge Colm F. Connolly on 8/22/2023. (kmd) (Entered: 08/22/2023)
09/25/2023	<u>11</u>	MOTION to Dismiss for Improper Venue – filed by National Beef Packing Company, LLC. (Attachments: # <u>1</u> Text of Proposed Order)(Cottrell, Frederick) (Entered: 09/25/2023)
09/25/2023	<u>12</u>	OPENING BRIEF in Support re <u>11</u> MOTION to Dismiss for Improper Venue filed by National Beef Packing Company, LLC. Answering Brief/Response due date per Local Rules is 10/10/2023. (Attachments: # <u>1</u> Certificate of Compliance)(Cottrell, Frederick) (Entered: 09/25/2023)
09/25/2023	<u>13</u>	DECLARATION re <u>11</u> MOTION to Dismiss for Improper Venue [Brenden McCullough] by National Beef Packing Company, LLC. (Cottrell, Frederick) (Entered: 09/25/2023)
09/25/2023	<u>14</u>	Disclosure Statement pursuant to Rule 7.1: identifying Corporate Parent NBM US Holdings, Inc., Corporate Parent U.S. Premium Beef, LLC, Corporate Parent NBPCo Holdings, LLC, Corporate Parent TMKCo Holdings, LLC for National Beef Packing Company, LLC filed by National Beef Packing Company, LLC. (Cottrell, Frederick) (Entered: 09/25/2023)
09/25/2023	<u>15</u>	MOTION for Pro Hac Vice Appearance of Attorney Kirk R. Harris and Erynn L. Embree – filed by National Beef Packing Company, LLC. (Haynes, Christine) (Entered: 09/25/2023)
09/26/2023		SO ORDERED, re <u>15</u> MOTION for Pro Hac Vice Appearance of Attorney Kirk R. Harris and Erynn L. Embree, filed by National Beef Packing Company, LLC. Ordered by Judge Colm F. Connolly on 9/26/2023. (kmd) (Entered: 09/26/2023)
09/27/2023	<u>16</u>	STIPULATION TO EXTEND TIME for Plaintiff to file its answering brief to Defendant's motion to dismiss to October 24, 2023 – filed by Institute for Environmental Health, Inc.. (Moshos, Andrew) (Entered: 09/27/2023)
09/27/2023	<u>17</u>	SO ORDERED, re <u>16</u> STIPULATION TO EXTEND TIME for Plaintiff to file its answering brief to Defendant's motion to dismiss to October 24, 2023, filed by Institute for Environmental Health, Inc. Reset Briefing Schedule: re <u>11</u> MOTION to Dismiss for Improper Venue. Answering Brief due 10/24/2023. Signed by Judge Colm F. Connolly on 9/27/2023. (kmd) (Entered: 09/27/2023)

09/27/2023		Pro Hac Vice Attorney Erynn L. Embree and Kirk R. Harris for National Beef Packing Company, LLC added for electronic noticing. Pursuant to Local Rule 83.5 (d)., Delaware counsel shall be the registered users of CM/ECF and shall be required to file all papers. (mpb) (Entered: 09/27/2023)
10/18/2023	<u>18</u>	STIPULATION TO EXTEND TIME for Plaintiff to file its answering brief to Defendant's motion to dismiss, and Defendant to file its reply brief to November 7, 2023 and November 21, 2023, respectively – filed by Institute for Environmental Health, Inc.. (Moshos, Andrew) (Entered: 10/18/2023)
10/18/2023	<u>19</u>	SO ORDERED, re <u>18</u> STIPULATION TO EXTEND TIME for Plaintiff to file its answering brief to Defendant's motion to dismiss, and Defendant to file its reply brief to November 7, 2023 and November 21, 2023, respectively filed by Institute for Environmental Health, Inc. Reset Briefing Schedule: re <u>11</u> MOTION to Dismiss for Improper Venue. Answering Brief due 11/7/2023. Reply Brief due 11/21/2023. Signed by Judge Colm F. Connolly on 10/18/2023. (kmd) (Entered: 10/18/2023)
11/07/2023	<u>20</u>	ANSWERING BRIEF in Opposition re <u>11</u> MOTION to Dismiss for Improper Venue filed by Institute for Environmental Health, Inc..Reply Brief due date per Local Rules is 11/14/2023. (Attachments: # <u>1</u> Certificate of Compliance)(Moore, David) (Entered: 11/07/2023)
11/07/2023	<u>21</u>	DECLARATION re <u>20</u> Answering Brief in Opposition, – <i>Declaration of Benjamin J. Byer</i> by Institute for Environmental Health, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Moore, David) (Entered: 11/07/2023)
11/21/2023	<u>22</u>	REPLY BRIEF re <u>11</u> MOTION to Dismiss for Improper Venue filed by National Beef Packing Company, LLC. (Attachments: # <u>1</u> Certificate of Compliance)(Cottrell, Frederick) (Entered: 11/21/2023)
01/11/2024	<u>23</u>	ORDER: DESIGNATION OF DISTRICT JUDGE TO HOLD A DISTRICT COURT WITHIN THE CIRCUIT, designating and assigning the Honorable Joel H. Slomsky of the United States District Court for the Eastern District of Pennsylvania. Signed by Judge Michael A Chagares, Chief Judge of the United States Court of Appeals for the Third Circuit on 1/11/2024. (rjb) (Entered: 01/11/2024)
01/11/2024		Case Reassigned to Judge Joel H Slomsky of the United States District Court for the Eastern District of Pennsylvania. Please include the initials of the Judge (JHS) after the case number on all documents filed. (rjb) (Entered: 01/11/2024)
05/16/2024	<u>24</u>	REPORT of Rule 26(f) Planning Meeting. (Attachments: # <u>1</u> Text of Proposed Order Joint Proposed Scheduling Order)(Moore, David) (Entered: 05/16/2024)
05/16/2024	<u>25</u>	MEMORANDUM OPINION. Signed by Judge Joel H Slomsky on 5/16/2024. (apk) (Entered: 05/16/2024)
05/16/2024	<u>26</u>	NOTICE OF SERVICE of Plaintiff Institute for Enviromental Health, Inc.'s First Interrogatories to Defendant National Beef Packing Co., LLC (Nos. 1–5), and IEH's First Requests for Production to Defendant National Beef Packing Co., LLC (Nos.1–37) filed by Institute for Environmental Health, Inc..(Moshos, Andrew) (Entered: 05/16/2024)
05/16/2024	<u>27</u>	ORDER denying D.I. <u>11</u> Motion to Dismiss. Signed by Judge Joel H Slomsky on 5/16/2024. (apk) (Entered: 05/17/2024)
05/30/2024	<u>28</u>	NOTICE OF SERVICE of Plaintiff Institute for Enviromental Health's Preliminary Identification of Accused Methods and Systems filed by Institute for Environmental Health, Inc..(Moshos, Andrew) (Entered: 05/30/2024)
05/30/2024	<u>29</u>	ANSWER to <u>1</u> Complaint , COUNTERCLAIM against Institute for Environmental Health, Inc. by National Beef Packing Company, LLC.(Haynes, Christine) (Entered: 05/30/2024)
06/17/2024	<u>30</u>	NOTICE OF SERVICE of Defendant's Objections and Responses to Plaintiff's First Set of Requests for Production (Nos. 1–37) and Objections and Responses to Plaintiff's First Set of Interrogatories (Nos. 1–5) filed by National Beef Packing Company, LLC.(Haynes, Christine) (Entered: 06/17/2024)

06/17/2024	<u>31</u>	NOTICE OF SERVICE of Defendant's First Set of Requests for Production to Plaintiff and Defendant's First Set of Interrogatories to Plaintiff filed by National Beef Packing Company, LLC.(Haynes, Christine) (Entered: 06/17/2024)
06/20/2024	<u>32</u>	MOTION to Dismiss for Failure to State a Claim [<i>Plaintiffs' Motion to Dismiss Defendant's Counterclaims and Motion to Strike Defendant's Seventh and Eight Affirmative Defenses</i>] – filed by Institute for Environmental Health, Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Moshos, Andrew) (Entered: 06/20/2024)
06/20/2024	<u>33</u>	OPENING BRIEF in Support re <u>32</u> MOTION to Dismiss for Failure to State a Claim [<i>Plaintiffs' Motion to Dismiss Defendant's Counterclaims and Motion to Strike Defendant's Seventh and Eight Affirmative Defenses</i>] filed by Institute for Environmental Health, Inc..Answering Brief/Response due date per Local Rules is 7/5/2024. (Moshos, Andrew) (Entered: 06/20/2024)
06/20/2024	<u>34</u>	DECLARATION re <u>32</u> MOTION to Dismiss for Failure to State a Claim [<i>Plaintiffs' Motion to Dismiss Defendant's Counterclaims and Motion to Strike Defendant's Seventh and Eight Affirmative Defenses</i>] [<i>Declaration of Xiang Li</i>] by Institute for Environmental Health, Inc.. (Attachments: # <u>1</u> Exhibit A)(Moshos, Andrew) (Entered: 06/20/2024)
07/02/2024	<u>35</u>	NOTICE OF SERVICE of Defendant National Beef Packing Company, LLCs First Supplemental Objections and Responses to Plaintiff Institute for Environmental Health, Inc.s Frist Set of Interrogatories (Nos. 1–5) filed by National Beef Packing Company, LLC.(Haynes, Christine) (Entered: 07/02/2024)
07/02/2024	<u>36</u>	STIPULATION and [Proposed] Order to Extend Deadlines by National Beef Packing Company, LLC. (Haynes, Christine) (Entered: 07/02/2024)
07/03/2024	<u>37</u>	STIPULATION and [Proposed] Protective Order by Institute for Environmental Health, Inc.. (Moshos, Andrew) (Entered: 07/03/2024)
07/08/2024	<u>38</u>	STIPULATION AND ORDER regarding D.I. <u>36</u> STIPULATION and Proposed Order to Extend Deadlines. Signed by Judge Joel H Slomsky on 7/8/2024. (apk) (Entered: 07/08/2024)
07/08/2024	<u>39</u>	ORDER: Upon consideration of the Parties Stipulation and Proposed Protective Order (Doc. No. <u>37</u>), it is ORDERED that the Stipulation and Proposed Protective Order (Doc. No. <u>37</u>) is GRANTED. Signed by Judge Joel H Slomsky on 7/8/2024. (mpb) (Entered: 07/08/2024)
07/10/2024	<u>40</u>	AMENDED ANSWER to <u>29</u> Answer to Complaint, Counterclaim, COUNTERCLAIM <i>First Amended Answer and Counterclaims</i> against Institute for Environmental Health, Inc. by National Beef Packing Company, LLC. (Cottrell, Frederick) (Entered: 07/10/2024)
07/17/2024	<u>41</u>	NOTICE OF SERVICE of IEH's Objections and Responses to National Beef's First Set of Interrogatories (Nos. 1–7), and IEH's Objections and Responses to National Beef's First Set of Requests for Production (Nos. 1–60) filed by Institute for Environmental Health, Inc..(Moshos, Andrew) (Entered: 07/17/2024)
07/19/2024	<u>42</u>	NOTICE OF SERVICE of core technical document production filed by National Beef Packing Company, LLC.(Haynes, Christine) (Entered: 07/19/2024)
07/24/2024	<u>43</u>	MOTION to Dismiss for Failure to State a Claim [<i>Plaintiff Institute for Environmental Health, Inc.'s Motion to Dismiss Count III of Defendant National Beef Packing Company, LLC's First Amended Counterclaims and Motion to Strike Defendant's Eighth Affirmative Defense</i>] – filed by Institute for Environmental Health, Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Palapura, Bindu) (Entered: 07/24/2024)
07/24/2024	<u>44</u>	OPENING BRIEF in Support re <u>43</u> MOTION to Dismiss for Failure to State a Claim [<i>Plaintiff Institute for Environmental Health, Inc.'s Motion to Dismiss Count III of Defendant National Beef Packing Company, LLC's First Amended Counterclaims and Motion to Strike Defendant&</i> filed by Institute for Environmental Health, Inc..Answering Brief/Response due date per Local Rules is 8/7/2024. (Palapura, Bindu) (Entered: 07/24/2024)

07/24/2024	<u>45</u>	DECLARATION re <u>43</u> MOTION to Dismiss for Failure to State a Claim <i>[Plaintiff Institute for Environmental Health, Inc.'s Motion to Dismiss Count III of Defendant National Beef Packing Company, LLC's First Amended Counterclaims and Motion to Strike Defendant & [Declaration of Benjamin J. Byer] by Institute for Environmental Health, Inc.. (Attachments: # <u>1</u> Exhibit 1–6)(Palapura, Bindu) (Entered: 07/24/2024)</i>
07/30/2024	<u>46</u>	Letter to The Honorable Joel H. Slomsky from Andrew M. Moshos regarding Joint Proposed Scheduling Order – re <u>24</u> Report of Rule 26(f) Planning Meeting. (Moshos, Andrew) (Entered: 07/30/2024)
08/07/2024	<u>47</u>	ANSWERING BRIEF in Opposition re <u>43</u> MOTION to Dismiss for Failure to State a Claim <i>[Plaintiff Institute for Environmental Health, Inc.'s Motion to Dismiss Count III of Defendant National Beef Packing Company, LLC's First Amended Counterclaims and Motion to Strike Defendant & filed by National Beef Packing Company, LLC.Reply Brief due date per Local Rules is 8/14/2024. (Cottrell, Frederick) (Entered: 08/07/2024)</i>
08/07/2024	<u>48</u>	DECLARATION re <u>47</u> Answering Brief in Opposition, <i>[Declaration of Kirk R. Harris]</i> by National Beef Packing Company, LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Cottrell, Frederick) (Entered: 08/07/2024)
08/14/2024	<u>49</u>	REPLY BRIEF re <u>43</u> MOTION to Dismiss for Failure to State a Claim <i>[Plaintiff Institute for Environmental Health, Inc.'s Motion to Dismiss Count III of Defendant National Beef Packing Company, LLC's First Amended Counterclaims and Motion to Strike Defendant & filed by Institute for Environmental Health, Inc.. (Moore, David) (Entered: 08/14/2024)</i>
08/14/2024	<u>50</u>	Supplemental DECLARATION re <u>49</u> Reply Brief, <i>[Declaration of Benjamin J. Byer]</i> by Institute for Environmental Health, Inc.. (Attachments: # <u>1</u> Exhibit 7)(Moore, David) (Entered: 08/14/2024)
08/16/2024	<u>51</u>	MOTION for Pro Hac Vice Appearance of Attorney Samantha Hunt of Davis Wright Tremaine LLP – filed by Institute for Environmental Health, Inc.. (Moshos, Andrew) (Entered: 08/16/2024)
08/16/2024	<u>52</u>	Pro Hac Vice Fee – Credit Card Payment received for Samantha Hunt. (re <u>51</u> MOTION for Pro Hac Vice Appearance of Attorney Samantha Hunt of Davis Wright Tremaine LLP)(Payment of \$ 50, receipt number ADEDC–4478314).(Moshos, Andrew) (Entered: 08/16/2024)
08/19/2024	<u>53</u>	NOTICE OF SERVICE of Plaintiff Institute for Environmental Health, Inc.'s Second Interrogatories to Defendant National Beef Packing Co., LLC (Nos. 6–7), and Defendant Institute for Environmental Health, Inc.'s Disclosure of Asserted Claims and Infringement Contentions with Exhibits A–D [Highly Confidential – Outside Counsel's Eyes Only] filed by Institute for Environmental Health, Inc..(Moshos, Andrew) (Entered: 08/19/2024)
08/19/2024	<u>54</u>	ORDER, granting <u>51</u> MOTION for Pro Hac Vice Appearance of Attorney Samantha Hunt of Davis Wright Tremaine LLP. Signed by Judge Joel H Slomsky on 8/19/2024. (jfm) (Entered: 08/20/2024)
08/21/2024		Pro Hac Vice Attorney Samantha N. Hunt for Institute for Environmental Health, Inc. added for electronic noticing. Pursuant to Local Rule 83.5 (d)., Delaware counsel shall be the registered users of CM/ECF and shall be required to file all papers. (mpb) (Entered: 08/21/2024)
09/09/2024	<u>55</u>	MOTION for Pro Hac Vice Appearance of Attorney Sarah Ann Casey – filed by National Beef Packing Company, LLC. (Haynes, Christine) (Entered: 09/09/2024)
09/09/2024	<u>56</u>	Pro Hac Vice Fee – Credit Card Payment received for Sarah Ann Casey. (re <u>55</u> MOTION for Pro Hac Vice Appearance of Attorney Sarah Ann Casey)(Payment of \$ 50, receipt number ADEDC–4493649).(Haynes, Christine) (Entered: 09/09/2024)
09/09/2024	<u>57</u>	ORDER granting <u>55</u> MOTION for Pro Hac Vice Appearance of Attorney Sarah Ann Casey. Signed by Judge Joel H Slomsky on 9/9/2024. (mpb) (Entered: 09/09/2024)
09/11/2024		Pro Hac Vice Attorney Sarah Ann Casey for National Beef Packing Company, LLC, added for electronic noticing. Pursuant to Local Rule 83.5 (d)., Delaware counsel shall be the registered users of CM/ECF and shall be required to file all papers. (mws)

		(Entered: 09/11/2024)
09/16/2024	<u>58</u>	NOTICE OF SERVICE of Objections and Responses to Plaintiff Institute for Environmental Health, Inc.'s Second Set of Interrogatories (Nos. 6–7) filed by National Beef Packing Company, LLC.(Haynes, Christine) (Entered: 09/16/2024)
09/20/2024	<u>59</u>	NOTICE OF SERVICE of Defendant's Second Supplemental Objections and Responses to Plaintiff's First Set of Interrogatories (Nos. 1–5) filed by National Beef Packing Company, LLC.(Haynes, Christine) (Entered: 09/20/2024)
09/25/2024	<u>60</u>	ORDER: Upon consideration of Plaintiff's Motions to Dismiss Defendant's Counterclaims (Docs. No. <u>32</u> , <u>43</u>), Defendant's Answering Brief in Opposition (Doc. No. <u>47</u>) and Plaintiff's Reply (Doc. No. <u>49</u>), it is ORDERED that a hearing on the Motions will be held on November 8, 2024 at 10:30 a.m. in Courtroom 13A, United States courthouse, 601 Market Street, Philadelphia, Pennsylvania. Signed by Judge Joel H Slomsky on 9/25/2024. (jfm) (Entered: 09/26/2024)
10/03/2024	<u>61</u>	NOTICE OF SERVICE of Defendant's Initial Invalidity Contentions filed by National Beef Packing Company, LLC.(Haynes, Christine) (Entered: 10/03/2024)
10/04/2024	<u>62</u>	NOTICE OF SERVICE of Defendant Institute for Environmental Health, Inc.'s Corrected Disclosure of Asserted Claims and Infringement Contentions with Exhibits A–D [Highly Confidential – Outside Counsel's Eyes Only] filed by Institute for Environmental Health, Inc..(Moore, David) (Entered: 10/04/2024)
10/08/2024	<u>63</u>	ORDER: The the hearing on the Motions is rescheduled for November 14, 2024 at 2:30 p.m. in Courtroom 13A, United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania. The Order scheduling the hearing on the Motion for November 8, 2024 at 10:30 a.m. (Doc. No. <u>60</u>) is VACATED. Signed by Judge Joel H Slomsky on 10/8/2024. (mpb) (Entered: 10/08/2024)
10/10/2024	<u>64</u>	Letter to The Honorable Joel H. Slomsky from Andrew M. Moshos regarding a Continuance of the November 14, 2024, Hearing – re <u>63</u> Order,, Terminate Hearings,, Set Hearings,, (Moshos, Andrew) (Entered: 10/10/2024)
10/15/2024	<u>65</u>	ORDER: The hearing on the Motions is rescheduled for November 20, 2024, at 2:30 p.m. in Courtroom 13A, United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania. The Order scheduling the hearing on the Motion for November 14, 2024, at 2:30 a.m. (Doc. No. <u>63</u>) is VACATED. Signed by Judge Joel H Slomsky on 10/15/2024. (vfm) (Entered: 10/15/2024)