

November 1, 2021

VIA E-MAIL

Arbitrator Linda H. McPharlin, Esq.
c/o Marina Cortes
Case Administrator
American Arbitration Association
MarinaCortes@adr.org

Re: *Linh Nguyen v. Lambda, Inc*
AAA Case No. 01-21-0003-8509

Dear Arbitrator McPharlin:

I write on behalf of Respondent, Lambda Inc. (“Lambda” or “Respondent”), in the above-referenced matter in response to Claimant’s October 28, 2021, letter brief. Lambda respectfully submits that Claimant’s letter brief is premature and procedurally improper.

Rule 24 states that a party may “**request** permission to file a written motion [...] only **after** the parties and the arbitrator conduct a conference call to attempt to resolve the issue that gives rise to the proposed motion.” (AAA Cons. Rule 24 [emphasis added].) The September 13, 2021, Scheduling Order in this matter expressly incorporates the language of Rule 24 in the order itself. (See Arbitrator McPharlin’s September 13, 2021 Scheduling Order, p. 2.) By submitting her letter brief without first requesting permission to do so, Claimant’s letter brief of October 28, 2021, runs afoul of Rule 24 and the Scheduling Order in this matter.

Claimant’s letter brief does not explain why her request is exempt from the procedure laid out in Rule 24 and the September 13, 2021, Scheduling Order. Accordingly, while Respondent agrees that the parties have exhausted their meet-and-confer efforts with regard to the subject matter of Claimant’s letter, Respondent nevertheless submits that Claimant’s request is premature and procedurally improper. (See AAA Cons. Rule 24.)

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Either way, Lambda respectfully requests that it be provided an opportunity to be heard on the issue, either at a conference or through an opposition brief to be filed on a date convenient for the Arbitrator.

Very truly yours,

McMANIS FAULKNER

/s/ Patrick Hammon

PATRICK HAMMON
ABIMAEEL BASTIDA

AB:Imm

Cc: Alexander Elson
Phillip Andonian
Justin Berger