SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

JANE DOE, Plaintiff, -against- CORNELL UNIVERSITY, INC., CHI PHI CHAPTER HOUSE ASSOCIATION, CHI PHI FRATERNITY, INC., CHI PHI EDUCATIONAL TRUST, ALPHA BETA HOUSE CORPORATION OF DELTA DELTA DELTA, DELTA DELTA DELTA SORORITY, ZAREEN ENTERPRISE LLC d/b/a MOONIES BAR & NIGHTCLUB, MATTHEW INGALLS, JOHNATHAN NEWELL, WINSTON LEE, GILLIO LOPES, DIEGO SARABIA, SCOTT NORRIS, SCOTT KRETZSCHMAR, JOHN DOE (FACULTY), JOHN DOE (ALUMNI), JOHN DOES (EXECUTIVE BOARD), and ORAZIO PETITO, Defendants.	Index No.: 161704/2026 Motion Seq. 3 **AFFIRMATION IN SUPPORT OF REQUEST FOR ADJOURNMENT**

Jeremy A. Hellman, an attorney duly licensed to practice law in the State of New York, affirms the truth of the following under the penalties of perjury:

1. I am a member of the law firm of Rheingold, Giuffra, Ruffo Plotkin & Hellman, LLP, counsel for Plaintiff in the within action. I am familiar with all pleadings and proceedings had herein.

2. This affirmation is submitted in support of plaintiff's application for an adjournment of defendant DIEGO SARABIA's motion to dismiss (motion sequence 3), which was filed on October 23, 2026, and was made returnable November 16, 2026.

3. On October 27, 2026, I emailed the two attorneys for defendant a proposed stipulation to adjourn their motion to January 15, 2027, for a 60-day adjournment. As I received no response, I emailed again on October 29, 2026. On October 30, 2026, I received a response by email that defendant would not agree to any adjournment of this motion.

4. On November 3, 2026, at 7:27 P.M., I informed counsel for movant-defendant via email to jknox@hackermurphy.com, abhimani@hackermurphy.com and pcampione@hackermurphy.com, that I would be e-filing an application for an unconsented adjournment on November 5, 2026, at 9:30 A.M.

5. This is a pre-answer motion to dismiss with complex issues of law that need to be examined against our extensive complaint. We simply need more time to properly respond.

6. The reason we ask for a full 60-day adjournment is that there are expected to be numerous motions to dismiss filed by defendants. However, such motions are not yet even due since we have given extensions of time to respond to the complaint to every defendant that requested one. For instance, there are currently five stipulations on file extending the time for defendants to respond to the complaint: SCOTT KRETZSCHMAR (December 7), DELTA DELTA DELTA (December 14), SCOTT NORRIS (December 15), GILLIO LOPES (December 15) and CORNELL UNIVERSITY (December 18). While we do not know defendants' precise intentions, pre-answer motions to dismiss are common in matters such as these with numerous causes of action. So far, the only defendant to answer is ZAREEN ENTERPRISE LLC.

7. While the issues surrounding each defendant may vary, it is still far simpler to have the motions returnable together, or at least in the same time frame. To simplify matters, when feasible, we try to draft one affirmation in opposition to cover all outstanding motions, or at least for those made on similar grounds. If we can, we hope to be able to do that here as well, if the circumstances allow. Adjourning to the full 60-day limit of January 15, 2027, at least makes this potentially possible.

8. We understand that Mr. Sarabia would like to get out of this case as soon as possible, but that does not mean that common courtesies should be ignored. This is not a simple motion, as

much as he would like the court to believe; it is alleged that he was an active part of what happened to plaintiff. This affirmation is not the time to be foreshadowing our not-yet-made arguments in opposition. However, it is evident that per the allegations, he does not approach this with completely clean-hands, but argues that our claims against him - that he "grabbed her face and started kissing her" (¶165) and "began pouring lines of Ketamine all over her body and snorting them." (¶169) - are time barred. If this was a matter of mistaken identity perhaps that would be one thing, but we have the right person, and the allegations are that he was absolutely involved. He does not deserve a speed run to a dismissal that bypasses proper and courteous legal decorum.

WHEREFORE, plaintiff requests that the return date of the instant motion be adjourned to at least January 15, 2027, with a provision that opposition papers be e-filed two weeks prior.

Pursuant to 22 NYCRR § 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, and a member of Rheingold, Giuffra, Ruffo, Plotkin & Hellman, LLP, certifies that, upon information and belief and reasonable inquiry, the contentions contained in this document are not frivolous.

I affirm this 5th day of November, 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Dated: New York, NY
November 5, 2026

RHEINGOLD GIUFFRA RUFFO PLOTKIN & HELLMAN LLP
Attorneys for Plaintiff



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Jeremy A. Hellman, an attorney duly admitted to practice in the courts of the State of New York, hereby certifies pursuant to 22 NYCRR §202.8-b, that Microsoft Word was used in preparing the instant document, and according to the Microsoft Word wordcount feature, the foregoing document contains 1,131 words, and therefore complies with the applicable word limit.

Pursuant to 22 NYCRR § 130-1.1, the undersigned certifies that, upon information and belief and reasonable inquiry, the contentions contained in this document are not frivolous.

I affirm this 5th day of November, 2026, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Dated: November 5, 2026
New York, NY

RHEINGOLD GIUFFRA RUFFO PLOTKIN & HELLMAN LLP
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