UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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ELIZABETH MUNIZ (AS PARENT OF AMANDA RIVERA), LUIZ M. VELASQUEZ (AS PARENT OF KAITLYN ANN VELASQUEZ), LUIS MANNUEL VELASQUEZ (AS PARENT OF VICTORIA MARIE VELASQUEZ) ANA MERCEDES MUNIZ, ELIZABETH MUNIZ, and ARMANDO RIVERA,

Plaintiffs,

-against-

THE CITY OF NEW YORK, and THE CITY OF NEW YORK POLICE DEPARTMENT,

Defendants.

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08 Civ. 8478 (GEL)

**ORDER**

GERARD E. LYNCH, District Judge:

By Order dated April 30, 2009, the Court granted defendant the City of New York's request for an extension of time to respond to the complaint to June 5, 2009. By letter dated June 8, 2009, the City informs the Court that it is unable to investigate the allegations in the complaint and appropriately respond until plaintiffs provide it with executed consents and authorization forms for all records of their arrests and subsequent prosecutions that have been sealed pursuant to N.Y. Crim. Proc. Law § 165.50, as well as authorizations allowing for the disclosure of certain medical information. The City asserts that it contacted plaintiffs' counsel twice in April requesting such releases, but did not receive a response. The City asks this Court to compel plaintiffs to provide the requested releases and for a further extension of time in which to respond to the complaint.



Plaintiffs' counsel represents to the Court that he never received the City's April requests, but that plaintiffs do not object to providing the releases and are working to do so forthwith. Having so represented to the Court, plaintiffs are ordered to provide the requested releases to the City by June 26, 2009. Any plaintiff who has not done so by June 26, or does not show cause, in writing, by that date, why his or her action should be maintained, will face dismissal for failure to prosecute, pursuant to Fed. R. Civ. Pro. 41.

Additionally, although the City could have been more proactive in its attempt to secure the necessary releases in a timely fashion, and although it provides no justification for its failure to request a further extension until after its time to respond had expired, plaintiffs do not object to the requested extension. Accordingly, it is hereby ordered that the time to answer or otherwise respond to the complaint be extended to and including July 31, 2009.

SO ORDERED.

Dated: New York, New York
June 16, 2009

Gerard E. Lynch

GERARD E. LYNCH
United States District Judge