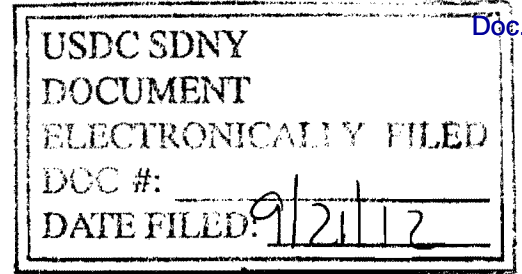


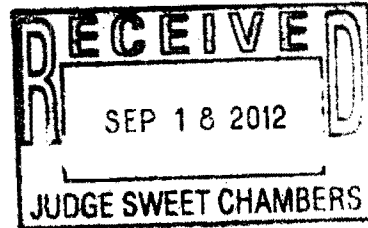
COHEN & FITCH LLP
233 BROADWAY, SUITE 1800
NEW YORK, NY 10279
TEL: 212.374.9115
FAX: 212.406.2313



September 18, 2012

BY FACSIMILE
212-805-7925

Honorable Robert W. Sweet
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007



Re: Schoolcraft v. City of New York, et al.
10 CV 6005 (RWS)

Your Honor:

I am co-counsel for plaintiff in the above-referenced matter. I write now to respectfully request that Your Honor grant plaintiff leave to amend the complaint to add an additional defendant Lieutenant Elise Hanlon based on the discovery that has been produced thus far. This request is made with the consent of all medical defendants and the City defendants take no position at all regarding this request. Two (2) prior requests to amend have been made.¹

A review of the discovery provided thus far indicates that Lieutenant Elise Hanlon of the New York City Fire Department may have also been “personally involved” in the decision to have plaintiff declared an emotionally disturbed person (“EDP”) on the night of October 31, 2009. Specifically, on several of the documents provided by the City – namely, D001940 – it indicates that she was the individual who had declared plaintiff an EDP, made the determination that he was unfit to refuse medical treatment and authorized his removal to Jamaica Hospital. As such, it is plaintiff’s position that if this version of events is credited, she would, at minimum, be comparatively responsible for plaintiff’s damages in this case. The undersigned apologizes for the delay in this request, but wanted to wait until the previous motion to amend was decided before making this application.²

Accordingly, since leave to amend pleadings is freely granted, and defendants do not oppose this request, plaintiff respectfully requests that Your Honor issue an Order permitting plaintiff to amend the complaint to add this defendant.

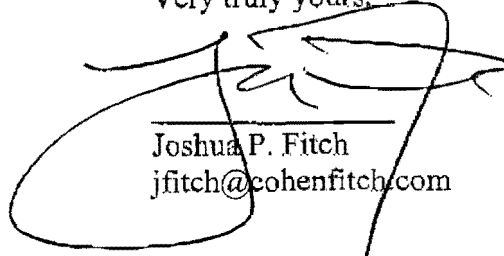
¹ The First request was granted in part with respect to the substitution of Lieutenant William Gough as a party. The second request was granted in part with respect to plaintiff’s First Amendment Claim of prior restraint.

² Your Honor’s Decision and Order on the most recent request was issued on September 10, 2012.

*Sozden d
Duan T USDT
9.18.12*

Thank you for your consideration of this request.

Very truly yours,



Joshua P. Fitch
jfitch@cohenfitch.com

Cc: VIA FAX

Suzanna Publicker, Esq.
Assistant Corporation Counsel
The City of New York Law Department
100 Church Street
New York, New York 10007

Gregory John Radomisli
Martin Clearwater & Bell LLP
220 East 42nd Street, 13th Floor
New York, NY 10017

Brian Lee
Ivone, Devine & Jensen LLP
2001 Marcus Avenue, Suite N100
Lake Success, NY 11042

Bruce M. Brady
Callan, Koster, Brady & Brennen LLP
1 Whitehall Street
New York, NY 10004

Walter A. Kretz, Jr.
Scoppetta Seiff Kretz & Abercrombie
444 Madison Avenue, 30th Floor
New York, NY 10022