

**COHEN & FITCH LLP**

233 BROADWAY, SUITE 1800  
NEW YORK, NY 10279  
TEL: 212.374.9115  
FAX: 212.406.2313

---

April 11, 2016

**BY EMAIL & ECF**

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

***RE: Schoolcraft v. The City of New York,***  
***10-cv-6005 (RWS) (DCF)***

Dear Judge Sweet:

I am writing this letter on behalf of all of plaintiff's counsel to request permission to file an oversize Reply Memorandum of Law in Support of Plaintiff's Motion for Attorney's Fees. Defense counsel has previously consented to this request.

As Your Honor is aware, on April 7, 2016, this Court granted defendants' request to file an oversized brief in opposition to plaintiff's fee application. In connection with that request, defense counsel noted that plaintiffs' counsels "are likely to request permission to file an oversize Reply brief as a result." Thereafter, defendants filed a memorandum in opposition consisting of seventy three (73) pages of argument challenging the various submissions of the Smith, Norinsberg and Gilbert team respectively. This brief raised a multitude of allegations – both globally and separately against each legal team – in opposition to plaintiffs' counsels' fees, including but limited to, challenges to their rates, their hours and their billing practices. In addition, this brief relied substantially on the report of Judith Bronsther, which was itself 119 pages and had almost 200 pages of exhibits attached. Like defendants' memorandum, her report also alleged similar issues with the same subjects in connection with each individual legal team.

To appropriately respond to these attacks and address the points made in both defendants' brief and Ms. Bronsther's report, we request permission to file oversize briefs.<sup>1</sup> Due to the sheer volume of defendants' submission – nearly 400 pages in total –

---

<sup>1</sup> Both the Smith, Norinsberg and Gilbert Team intend to make separate filings to address the specific attacks mounted against each individual team but are working to together to eliminate any unnecessary repetition in the filings.

plaintiff's counsel cannot adequately address the points raised therein given the current page constraints, and if plaintiff's counsel were not able to thoroughly respond to the various contentions raised in defendants' opposition – and Ms. Bronshter's report – they would be substantially prejudiced.

Accordingly, it is respectfully requested that Your Honor grant plaintiff's counsel permission to file over size memoranda of law in order to sufficiently reply to defendants' submissions. At the present time plaintiff's counsel is still finalizing their submissions and cannot give this Court an exact number of pages in connection with this request, but in light of defendants' voluminous submissions, we would request that Your Honor allow counsel to use their best judgment as to the amount of pages necessary to succinctly yet adequately respond to defendants' opposition and their expert report.

Thank you for your consideration of this request.

Sincerely,

/s

---

JOSHUA P. FITCH  
GERALD M. COHEN  
COHEN & FITCH LLP  
233 Broadway, Suite 1800  
New York, N.Y. 10279  
(212) 374-9115  
[gcohen@cohenfitch.com](mailto:gcohen@cohenfitch.com)  
[jfitch@cohenfitch.com](mailto:jfitch@cohenfitch.com)

NATHANIEL B. SMITH  
100 Wall Street, 23rd Floor  
New York, New York 10005  
212-227-7062  
[natbsmith@gmail.com](mailto:natbsmith@gmail.com)

JON L. NORINSBERG  
225 Broadway, Suite 2700  
New York, New York 10007  
(212) 791-5396  
[Norinsberg@aol.com](mailto:Norinsberg@aol.com)

JOHN LENOIR  
100 Wall Street, 23rd Floor  
New York, New York 10005  
212-335-0250

[john.lenoir@gmail.com](mailto:john.lenoir@gmail.com)

CC VIA ECF:  
Alan Scheiner  
Assistant Corporation Counsel  
New York City Law Department  
100 Church Street  
New York, New York 10007