



JAMES E. JOHNSON
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NEW YORK 10007

JOHN L. GARCIA
Assistant Corporation Counsel
johgarci@law.nyc.gov
Phone: (212) 356-5053
Fax: (212) 356-1148

April 2, 2020

By ECF

Honorable Ronnie Abrams
United States District Court
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, New York 10007

Re: Marc Ameruso v. City of New York, et al.
15 Civ. 3381 (RA)

Your Honor:

I am an Assistant Corporation Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, and the attorney assigned to represent Defendants City of New York, Police Officer Marvin Johnson, Police Officer John Shapiro, Police Officer Mildred Valdez, and Sergeant Jesse Pinto in the above-referenced matter. Pursuant to the Court's March 30, 2020 Order, Defendants write jointly with plaintiff's counsel, Bryan J. Swerling, Esq., to respectfully propose new potential trial dates for this case. In addition, the parties jointly respectfully request that the Court: (1) extend the deadline to file all pre-trial submissions from April 16, 2020 to and including 18 days before the new trial date; and (2) adjourn the final pre-trial conference to a date that is closer to the new trial date.

By way of background, on January 8, 2020, the Court adjudicated the defendants' summary judgment motion. (ECF No. 125.) On January 24, 2020, the Court scheduled the trial in this matter to begin on May 4, 2020. In that Order, the Court also directed the parties to file their pre-trial submissions by April 16, 2020, respond to those submissions by April 23, 2020, and appear for a final pre-trial conference on May 1, 2020 at 4:00 p.m. (ECF No. 131.) On March 30, 2020, however, the Court adjourned the May 4, 2020 trial date and ordered the parties to propose alternative trial dates between June and September of this year.

In terms of alternative trial dates, the parties respectfully propose the following start dates: September 14, or 21, 2020. As noted in the parties' January 24, 2020 letter to the Court, Plaintiff's counsel and several parties are unable to appear for a trial during the months of June, July, and August. (Civil Docket Entry no. 130.) In addition, the undersigned is also scheduled

to begin a trial on July 13, 2020 in the matter of Shontay Loftin, et al., v. City of New York, et al., 15CV5656 (MKB).

Finally, the parties note that they are continuing to discuss settlement, but remain far apart; however, the parties will continue settlement discussions in advance of trial.

For the foregoing reasons, the parties jointly respectfully request that the Court: (1) schedule the trial in this matter to begin on September 14, or 21, 2020, to the extent that is convenient for the Court; (2) extend the deadline to file all pre-trial submissions from April 16, 2020 to and including 18 days before the new trial date and a corresponding extension for responses to those submissions; and (3) adjourn the May 1 final pre-trial conference to a date that is closer to the new trial date at a time that is convenient to the Court.

Thank you for your consideration herein.

Respectfully submitted,



John L. Garcia
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Bryan J. Swerling, Esq.
Attorney for Plaintiff

Trial in this matter will begin on September 14, 2020. A final pre-trial conference will take place on September 11, 2020 at 3:00 p.m. The parties' pre-trial submissions, consistent with the Court's individual rules, shall be filed no later than August 28, 2020. Responses to the submissions are due no later than September 4, 2020.

SO ORDERED.



Ronnie Abrams, U.S.D.J.
April 2, 2020