

USDC SDNY
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SANDRA BUTLER, RICKY GIBSON, :
O'BRIEN MORRIS, RICHARD EMMETT, :
ROSELLE DIAZ, KEVIN FAISON, :
SHANIQUA JACKSON, CENTER FOR :
INDEPENDENCE OF THE DISABLED, NEW YORK: :
AND COALITION FOR THE HOMELESS, :
for themselves and on behalf of all others similarly :
situated, :

Plaintiffs, :

-against- :

CITY OF NEW YORK, THE NEW YORK :
CITY DEPARTMENT OF HOMELESS :
SERVICES, STEVEN BANKS, *as* :
Commissioner of the New York City Department of :
Homeless Services, :
Defendants. :

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15-CV-3783 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on July 8, 2021, Plaintiffs filed a motion for a temporary restraining order (“TRO”) and a preliminary injunction and a motion to enforce the Stipulation of Settlement in this matter, Dkt. 74;

WHEREAS on July 13, 2021, the parties appeared for a hearing on Plaintiffs’ motion;

WHEREAS on July 13, 2021, Judge Woods, acting in his capacity as the Part I Judge, entered a TRO, Dkt. 94;

WHEREAS on July 21, 2021, the Court so ordered the parties’ stipulation, which converted the TRO into a preliminary injunction to remain in effect until at least August 20, 2021, Dkt. 97;

WHEREAS on July 30, 2021, the Court held a telephone conference in this matter;

WHEREAS on August 3, 2021, Plaintiffs filed a motion to amend the preliminary injunction, Dkt. 104; and

WHEREAS on August 3, 2021, Defendants proposed filing a response, which would include Defendants' plan for complying with the existing Orders and the Stipulation of Settlement, by August 4, 2021 at 3:00 P.M., Dkt. 110;

IT IS HEREBY ORDERED that a hearing on Plaintiffs' motion to amend the preliminary injunction will be held on **Thursday, August 5, 2021 at 3:00 P.M.** The hearing will be held in Courtroom 443 of the Thurgood Marshall United States Courthouse, located at 40 Foley Square, New York, New York 10007.

IT IS FURTHER ORDERED that Defendants' response in opposition to Plaintiffs' motion to amend the preliminary injunction is due no later than **Wednesday, August 4, 2021 at 3:00 P.M.** As Defendants suggested, their response should include their plan for complying with the existing Orders and the Stipulation of Settlement. If Defendants plan to call witnesses and introduce exhibits at the hearing, Defendants must include a witness and exhibit list. Plaintiffs' reply in support of their motion is due no later than **Thursday, August 5, 2021 at 10:00 A.M.** If Plaintiffs plan to call witnesses and introduce exhibits, Plaintiffs must include a witness and exhibit list. Plaintiffs must also attach a proposed preliminary injunction as an exhibit to their reply brief. The Court reminds Plaintiffs that the proposed preliminary injunction must comply with the requirements of Rule 65(d) of the Federal Rules of Civil Procedure, including that it be specific, narrowly tailored, and not reference any other document.

IT IS FURTHER ORDERED that per the SDNY COVID-19 COURTHOUSE ENTRY PROGRAM, any person who appears at any SDNY courthouse must complete a questionnaire

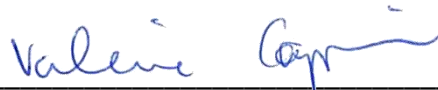
and have his or her temperature taken. Please see the enclosed instructions. Completing the questionnaire ahead of time will save time and effort upon entry. Only those individuals who meet the entry requirements established by the questionnaire will be permitted entry. Please contact chambers promptly if you or your client do not meet the requirements.

IT IS FURTHER ORDERED that any person who appears at any SDNY courthouse must comply with Standing Order M10-468 (21-MC-164), which further pertains to courthouse entry.

IT IS FURTHER ORDERED that interested members of the public may attend by dialing 1-888-363-4749, using the access code 3121171 and the security code 3783. All of those accessing the hearing are reminded that recording or rebroadcasting of the proceeding is prohibited by law.

SO ORDERED.

**Date: August 3, 2021
New York, NY**



**VALERIE CAPRONI
United States District Judge**

Instructions for Courthouse Entry

All members of the public, including attorneys, appearing at a Southern District of New York courthouse must complete a questionnaire and have their temperature taken before being allowed entry into that courthouse.

On the day you are due to arrive at the courthouse, click on the following weblink to begin the enrollment process. Follow the instructions and fill out the questionnaire. If your answers meet the requirements for entry, you will be sent a QR code to be used at the SDNY entry device at the courthouse entrance.

Weblink: <https://app.certify.me/SDNYPublic>

Note: If you do not have a mobile phone or mobile phone number, you must complete the questionnaire and temperature screening at an entry device at the courthouse.