



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

JAMES E. JOHNSON
 Corporation Counsel

Melanie V. Sadok
 phone: (212)356-4371
 fax: (212)356-2019
 email: msadok@law.nyc.gov

August 17, 2020

By ECF

The Honorable Laura Taylor Swain
 United States District Judge
 United States District Court, Southern District of New York
 500 Pearl Street
 New York, New York 10007

MEMO ENDORSED

Re: Noel, et al. v. City of New York, 1:15-CV-05236 (LTS)(KHP)

Your Honor:

I am an Assistant Corporation Counsel in the office of James E. Johnson, Corporation Counsel of the City of New York, attorney for defendant the City of New York in the above-referenced matter. I am writing to request that the Court deem the City's August 14-15, 2020 filings timely. The City encountered filing issues with the exhibits to the Polifione Declaration (ECF 903 and 905) which it had started filing well before midnight. Unfortunately, each exhibit had to be reloaded each time we attempted to file, and there were multiple attempts. Ultimately, Ms. Polifione filed ECF 903 before midnight but needed to finish the exhibits and thus re-filed the declaration with the remaining exhibits (ECF 905) shortly after midnight (thus together ECF 903 and 905 contain the full set of exhibits). While focusing on resolving the issues with the exhibits to the Polifione Declaration, we lost track of time and shortly before midnight realized we hadn't yet filed our 56.1 Statement (ECF 904). We started that filing before midnight and I believe it was deemed filed at midnight. We respectfully request that ECF 905 and 904 be deemed timely filed, and that ECF 903 and 905 be deemed properly filed.

Thank you for your consideration of this matter.

The request is granted. DE# 906 resolved.
 SO ORDERED.
 9/24/2020
 /s/ Laura Taylor Swain, USDJ

Respectfully submitted,

/s/

Melanie V. Sadok
 Assistant Corporation Counsel

cc: **By ECF**
Attorneys for Plaintiffs