



JAMES E. JOHNSON
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT

100 CHURCH STREET
NEW YORK, NY 10007

PETER W. BROCKER
Assistant Corporation Counsel
T: (212) 356-2332
F: (212) 356-3509
E: pbrocker@law.nyc.gov

August 19, 2020

BY ECF:

Hon. Jesse M. Furman, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Anika Edrei, et al. v. City of New York, et al.,
16 Civ. 1652 (JMF) (BCM)

Your Honor:

I am an attorney assigned to the defense of the above referenced matter, and I write jointly with plaintiffs' counsel to respectfully request that the Court extend the stay of this matter for an additional 60 days, from August 28, 2020 to October 27, 2020. Additionally, the parties request that the pre-trial conference presently scheduled for 3:00 p.m. on September 29, 2020 be adjourned *sine die*. This is the parties' third request for a stay, but the first request to be based solely on the ongoing settlement negotiations.

The parties are currently engaged in meaningful settlement negotiations before Magistrate Judge Barbara C. Moses. Should discovery not be stayed, the next steps in discovery may stymie the ongoing settlement negotiations, as the parties will engage in extensive discovery motion practice and depositions pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, which will result in a significant expenditure of litigation resources. In order to facilitate resolution of this matter, the parties have divided the settlement negotiations in this matter into three areas to be negotiated: (a) monetary damages; (b) equitable relief; and (c) attorneys' fees. At this time, following the first settlement conference before Judge Moses on August 18th, the parties have successfully resolved the issue of damages for plaintiffs. However, this issue is only resolved if all other issues presented in this matter are also successfully resolved in this period of settlement negotiations. As a result, the parties are now in the process of negotiating the contours of equitable relief, which will also be the primary topic of the second settlement conference before Judge Moses, presently scheduled for September 29, 2020. (*See, Dkt. No. 123*). Time permitting, the parties will also address the issue of plaintiffs' attorneys' fees and costs in that conference.

As a result of the foregoing, in order to give the parties the best chance to resolve this matter without further judicial or litigation expense, the parties respectfully request that this Court extend the stay of this matter for 60 days, until October 27, 2020. Additionally, the parties

request that the pre-trial conference presently scheduled for 3:00 p.m. on September 29, 2020 be adjourned *sine die*, due to the requested stay and because it conflicts with the second settlement conference in this matter.

Alternatively, should the Court deny this motion, the parties respectfully request that the cross motions raising discovery disputes filed as Docket Nos. 102-103 and 109-110 be renewed. As the Court may recall, these motions were denied without prejudice to renew by today, August 19, 2020. (*See*, Dkt. Nos. 114 & 117).

Thank you for your consideration of this matter.

Respectfully Submitted,

Peter W. Brocker /s/


Peter W. Brocker, Esq.
Assistant Corporation Counsel

cc: All Counsel of Record (via ECF)

Applications GRANTED. To facilitate settlement discussions, the stay is extended to October 27, 2020, and the pretrial conference is ADJOURNED sine die. The parties shall advise the Court immediately in the event of a settlement and, in any event, shall submit a status letter no later than October 27, 2020.

The Clerk of Court is directed to terminate ECF No. 124.

SO ORDERED.



August 20, 2020