

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBYN ABRAHAM,

Plaintiff,

-v.-

ABBY LEIGH, *et al.*,

Defendants.

17 Civ. 5429 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

The Court is in receipt of Plaintiff's letter request of February 25, 2020 (Dkt. #450), the Leigh Defendants' opposition letter of February 26, 2020 (Dkt. #451), and Plaintiff's reply letter of February 26, 2020 (Dkt. #452). The Leigh Defendants are correct: In the Court's June 10, 2019 memo endorsement, it set a deadline of November 15, 2019, for the parties to submit pre-motion letters concerning contemplated summary judgment motions, and Plaintiff let that deadline pass. (*See* Dkt. #230). It is therefore curious to the Court that Plaintiff has engaged the New York Legal Assistance Group on a fruitless search of the docket for a briefing schedule that was never set because of Plaintiff's election not to file a pre-motion submission. It is also curious to the Court that despite months of communications regarding Defendants' pending motion for summary judgment, Plaintiff has waited until now to note the absence of a briefing schedule for her potential motion.

As far as this Court is concerned, Plaintiff has not satisfied the conditions for filing a motion for summary judgment. Further, the Court is concerned that Defendants would suffer prejudice if Plaintiff were permitted at

this late stage to file a motion for summary judgment, when Defendants' own motion was filed more than a month ago. (Dkt. #429). Plaintiff is reminded that, as an attorney, she is not entitled to the solicitude generally accorded to *pro se* litigants. *Tracy v. Freshwater*, 623 F.3d 90, 102 (2d Cir. 2010) ("In addition, the appropriate degree of special solicitude is not identical with regard to all *pro se* litigants.... The ultimate extension of this reasoning is that a lawyer representing himself ordinarily receives no such solicitude at all.").

If Plaintiff wishes to file a summary judgment motion, she is ORDERED to file a letter on or before **March 6, 2020**, demonstrating good cause as to why she failed to file a pre-motion submission by the November 15, 2019 deadline. (Dkt. #230). This letter is not to exceed three pages in length. Defendants shall file their reply, if any, on or before **March 13, 2020**.

SO ORDERED.

Dated: February 27, 2020
New York, New York



KATHERINE POLK FAILLA
United States District Judge