



THE CITY OF NEW YORK
LAW DEPARTMENT

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(not for service)

October 11, 2023

By ECF

Honorable Katharine H. Parker
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Application granted. No further extensions of Defendants' below briefing deadlines will be granted.

SO ORDERED:

Katharine H Parker
HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE

10/12/2023

Re: *J.L., et al. v. NYC Dep't of Education, et ano.*,
No. 17-CV-7150 (PAC) (KHP)

Your Honor:

I am the Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York assigned to represent Defendants New York City Department of Education (“DOE”) and DOE Chancellor David C. Banks in the above-referenced matter, in which Plaintiffs, parents on behalf of three students, allege that their rights were violated due to alleged systemic delays in providing coordinated nursing, transportation, and porter services.

I write to respectfully request a brief, one-business-day extension of time, from October 13, 2023 until October 16, 2023, for Defendants to serve and file their cross-motion for summary judgment and opposition to Plaintiffs’ motion. This is Defendants’ fourth and final request for an extension, and the Court granted Defendants’ previous three requests.

The requested extension is necessary to finalize Defendants’ motion papers, including the memorandum of law, multiple affidavits, the response to Plaintiffs’ 328-pragraph Local Civil Rule 56.1 Statement, Defendants’ Rule 56.1 Statement, and any proposed redactions to file under seal any students’ information that is protected pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (commonly referred to as “FERPA”). The Court granted Defendants’ previous request for a one-week extension of time due to my being out sick for multiple days (*see* ECF No. 284), and upon returning to the office, it has taken me longer than

anticipated to prepare and complete the motion papers. The brief, one-day extension of time, therefore, will enable me to finalize and file the motion papers.

Despite repeated emails and voicemail messages to Plaintiffs' counsel today seeking their consent to the instant request, Plaintiffs have not responded. Plaintiffs, however, will not be prejudiced by the brief, one-business-day extension. Indeed, the requested extension will not affect the oral argument scheduled for December 7, 2023, at 10:00 a.m.

Accordingly, Defendants respectfully request that the Court grant an extension of time, until October 16, 2023, for Defendants to serve and file their cross-motion for summary judgment and opposition to Plaintiffs' motion. Defendants also respectfully request a corresponding extension of the briefing schedule as follows:

- Defendants' cross-motion for summary judgment and opposition to Plaintiffs' motion for summary judgement: October 16, 2023;
- Plaintiffs' reply and opposition to Defendants' cross-motion: November 13, 2023; and
- Defendants' reply: December 4, 2023

I thank the Court for its consideration of the within.

Respectfully submitted,

/s/

Philip S. Frank
Assistant Corporation Counsel

cc: All counsel (via ECF)