



JAMES E. JOHNSON
Corporation Counsel

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

CHRISTOPHER G. ARKO
Senior Counsel
(212) 356-5044
(212) 356-3509 (fax)
carko@law.nyc.gov

April 23, 2020

By ECF

Hon. Lorna G. Schofield
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: George Benn v. City of New York, et al., 18 Civ. 722 (LGS)(OTW)

Your Honor:

I am a Senior Counsel in the New York City Law Department, attorney for defendants City of New York, Detective Felix Cruz, Detective Gerard Dimuro, Captain Delroy Morrison, Correction Officer Xavier McNeil, Correction Officer Matthew Landow, Correction Officer Jonathen Powell, Correction Officer Jermain Phillips, and Correction Officer Gordon Noel in this action. I write to respectfully request a 45-day extension of time, from April 30, 2020 to June 11, 2020, for defendants to file their premotion letter, and a corresponding adjournment of the case management conference scheduled for May 14, 2020 at 10:50 a.m. This is defendants' second request for an extension to file their letter, and it is made with plaintiff's consent.

The reason for this request is that since defendants' last letter motion, which was filed on March 19, 2020, my office has remained closed and I have been working remotely for over a month due to the COVID-19 pandemic. This case was newly transferred to me on March 19, 2020 from the previously-assigned Assistant Corporation Counsel Alison Mitchell.

By way of background, plaintiff alleges causes of action stemming from two distinct events. The first involves plaintiff's arrest in 2013 and subsequent prosecution. The second involved a purported use of force that occurred in 2015 while plaintiff was incarcerated pursuant to his 2013 arrest.

While I have been able to review some of the materials in the case file related to this matter that are available digitally, I have not been able to access numerous important pieces of discovery. For example, there are several videos that were produced which I cannot access remotely, some of which depict the 2015 incident that occurred while plaintiff was in the custody

of the Department of Correction. These videos are crucial because the correction officer defendants who participated in this incident were not deposed.

Further, I am uncertain at this time whether all documents that were produced in discovery are available digitally. Moreover, I am not in possession of defendant Detective DiMuro and Detective Cruz's deposition transcripts. Accordingly, I will not be in a position to familiarize myself with this matter sufficient to draft a premotion letter until I am able to access the physical file that is currently in the Corporation Counsel's offices.

I thank the Court for its time and consideration herein, and I respectfully request that the Court grant defendants leeway in light of the current circumstances.

Respectfully submitted,

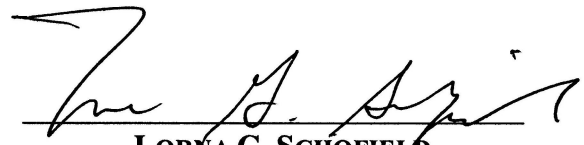
/s/ Christopher G. Arko

Christopher G. Arko
Senior Counsel

cc: Arthur Schwartz, Esq. (By ECF)
Richard Soto, Esq. (By ECF)
Attorneys for Plaintiff

Application GRANTED. The May 14, 2020 case management conference is adjourned to **June 25, 2020, at 10:50 a.m.** Any party proposing to file summary judgment shall file pre-motion letters by two weeks before the conference, or **June 11, 2020**. No further extensions absent extraordinary circumstances.

Dated: April 24, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE