



HON. SYLVIA O. HINDS-RADIX  
Corporation Counsel

THE CITY OF NEW YORK  
LAW DEPARTMENT

100 CHURCH STREET  
NEW YORK, NY 10007

NICOLETTE PELLEGRINO  
Assistant Corporation Counsel  
Phone: (212) 356-2338  
Fax: (212) 356-3509  
Email: npellegr@law.nyc.gov

November 21, 2022


VIA E.C.F.

Honorable Jennifer L. Rochon  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

IT IS HEREBY ORDERED that Defendants shall file an *ex parte* letter explaining the need for an adjournment no later than **November 28, 2022.**

Dated: November 21, 2022  
New York, New York

SO ORDERED

  
JENNIFER L. ROCHON  
United States District Judge

RE: George Benn v. Captain Morrison, et al.,  
18 Civ. 00722

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney representing defendants Delroy Morrison, Xavier McNeil, Matthew Landow, Jonathen Powell, Jermain Phillips, and Gordon Noel (collectively, "Defendants") in the above-referenced action. Defendants write, with Plaintiff's consent, to respectfully request that the trial start date of January 23, 2022, be adjourned to either March 20 or 27, 2023, and a corresponding adjournment of the January 16, 2023 final pretrial conference and extension of time of the January 13, 2023 deadline to submit pretrial documents.

By way of relevant background, trial was more recently scheduled to begin in this case before the Honorable Loretta A. Preska on January 3, 2023.

On September 14, 2022, this case was reassigned to Your Honor. (See Sept. 14, 2022 Dkt. Entry.)

On September 15, 2022, Your Honor directed the parties to file a joint status letter which, *inter alia*, provided an update to the Court concerning the status of the case. (See Dkt. No. 211.)

Thus, on September 28, 2022, the parties submitted a joint status letter, which also jointly and respectfully requested (a) a brief adjournment of the January 3, 2023 trial start date to January 24, 2023, and (b) a corresponding extension of time from December 23, 2022, to January 13, 2023, to submit proposed *voire dire* questions to the Court. (See Dkt. No. 212.)

On September 30, 2022, the Court, *inter alia*, adjourned the trial start date to January 23, 2022, scheduled the final pretrial conference for January 16, 2022, and directed the parties to “file their proposed *voir dire* questions and any other pretrial submissions required under the Court’s Individual Rules 5A&B insofar as they have not been submitted thus far on or before January 13, 2023.” (See Dkt. No. 213.)

However, Defendants respectfully note that one of the defendants has a personal matter<sup>1</sup> that will require him to take leave beginning in late January through February, which will affect the Defendants’ ability to defend this trial against them. Thus, the Defendants respectfully request that the trial be adjourned to the week of either March 20 or 27, 2023. Plaintiff consents to this adjournment request.

Accordingly, Defendants respectfully request, with Plaintiff’s consent, that the trial start date of January 23, 2022, be adjourned to either March 20 or 27, 2023, and a corresponding adjournment of the January 16, 2023 final pretrial conference and extension of time of the January 13, 2023 deadline to submit pretrial documents.

Defendants thank the Court for its time and consideration.

Respectfully submitted,

/s/ Nicolette Pellegrino  
Nicolette Pellegrino  
Assistant Corporation Counsel  
Special Federal Litigation Division

CC: VIA E.C.F.  
Richard Sotto, Esq.  
*Attorney for Plaintiff*

---

<sup>1</sup> Defendants can share more details concerning the personal matter *ex parte*.