

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

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

EVAN J. GOTTSTEIN
Assistant Corporation Counsel
phone: (212) 356-2262
fax: (212) 356-1148
egottste@law.nyc.gov

March 24, 2023

BY ECF

Honorable Jesse M. Furman
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Ronald Colson v. Warden Mingo, et al.
18 Civ. 2765 (JMF)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney assigned to represent defendants in the above-referenced matter. Defendants write to respectfully request a brief one-week extension of time to file their motion for summary judgment, from March 24, 2023, until March 31, 2023. This is defendants' second request for an extension of this deadline after the Court had adjourned the briefing schedule *sine die*.

By way of brief background, on August 25, 2022, the briefing schedule for defendants' motion was adjourned *sine die* because defendants had not yet received transcripts for the last two depositions conducted in this case and to allow time for plaintiff to receive the case file from former counsel and to apply for and obtain new *pro bono* counsel. See ECF Nos. 116-117. The Court noted that it would reserve judgment on plaintiff's motion for appointment of counsel until after it sees defendants' motion. ECF No. 120.

Defendants sincerely apologize for requesting one final extension of their summary judgment briefing deadline after the Court previously stated that it would not grant any further extensions of this deadline. The undersigned has been working diligently to meet today's filing deadline, and defendants' motion for summary judgment and all supporting documents are now nearly finalized. However, due to obligations that arose in other matters over the last few weeks, including, among other things, a reply brief to another summary judgment motion where the opposition was filed belatedly, briefing on motions *in limine* for an upcoming trial to which the undersigned was only recently assigned, and several other unanticipated matters in other cases, defendants are unable to file their completed motion papers today. This extension is also requested so that these motion papers can be sufficiently reviewed internally.

Accordingly, defendants respectfully request one final one-week extension of time to file their motion for summary judgment and supporting documents, from March 24, 2023 until March 31, 2023.¹

Defendants thank the Court for its time and consideration of this application.

Respectfully submitted,

Evan J. Gottstein /s/

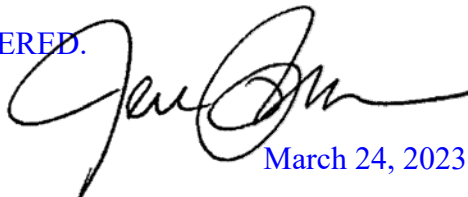
Evan J. Gottstein
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Ronald Colson (By Mail)
Plaintiff Pro Se
DIN 13-A-4431
Green Haven Correctional Facility
P.O. Box 4000
Stormville, New York 12582-4000

The Court's endorsement of February 10, 2023 --- which counsel does not even deign to acknowledge --- stated in no uncertain terms that "[t]he Court will not grant any further extensions of Defendants' summary judgment deadline." ECF No. 122. It is bad enough that counsel moved for another extension notwithstanding that admonition. It is even worse that counsel waited until 5:15 p.m. on the date of the deadline (a Friday, no less) to do so --- itself a violation of the Court's Individual Rules and Practices, which require that motions for extensions be made at least 48 hours before the deadline. The Court expects better from counsel --- especially from counsel for the City --- and would be on firm ground denying the request and denying any motion for summary judgment as untimely. But the Court will not do that --- and grudgingly grants counsel an extension to Thursday, March 30, 2023. Counsel should not expect such courtesies going forward.

The Clerk of Court is directed to terminate ECF No. 123 and to mail a copy of this endorsed letter to Plaintiff.

SO ORDERED.


March 24, 2023

¹ The undersigned will be traveling out of state on March 25th and returning in the evening of March 28th, and will not be back in the office until Wednesday, March 29th. Thus, the requested extension would only amount to three additional days to finalize and file the motion papers.