



JAMES E. JOHNSON
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT

100 CHURCH STREET
NEW YORK, NY 10007

VALERIE E. SMITH
Senior Counsel
Phone: (212) 356-2398
Fax: (212) 356-3509
vsmith@law.nyc.gov

January 7, 2020

VIA ECF

The Honorable Analisa Torres
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Garelabi Abusikin v. City of New York et al.
18 CV 4582 (AT) (KNF)

Your Honor:

I am a Senior Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, representing defendants City of New York and Police Officer Mirjan Lolja ("defendants"), in the above referenced matter. The parties write in accordance with Your Honor's Order dated November 18, 2019, to provide a status update. (ECF No. 56). In addition, the parties respectfully request an adjustment of the deadline for defendants to file their pre-motion conference application, which, pursuant to Your Honor's Individual Rules of Practice, must contain defendants' 56.1 Statement of Material Facts and the opposing party's response to defendants' 56.1 statement. Finally, the parties respectfully request an adjournment of the conference scheduled for January 14, 2020 at 11:40 a.m. until a date and time convenient to the Court after defendants have submitted their request for a pre-motion conference and the parties' 56.1 statement/response.

By way of background, on December 12, 2019, defendants moved to dismiss the complaint pursuant to FED. R. CIV. P. 41(b) and 37(b), and for sanctions pursuant to FED. R. CIV. P. 30(d)(2). This motion is fully briefed and pending before Magistrate Judge Kevin N. Fox for a report and recommendation.

As per Your Honor's Individual Rules, defendants' pre-motion conference letter, Statement of Material Facts pursuant to Local Civil Rule 56.1, and plaintiff's response are due on January 17, 2020. (ECF No. 65). Unfortunately, the parties are unable to exchange of 56.1 statements before January 17, 2020 and therefore jointly request an extension of time to ensure

compliance with Your Honor's Individual Rules. The parties have agreed to the following revised schedule for completion of the Local Civil Rule 56.1 Statement and the filing of defendants' pre-motion conference letter:

- Defendants' 56.1 Statement to Plaintiff: January 17, 2020
- Plaintiff's Counter 56.1 Statement to Defendants: January 31, 2020
- Defendant' Summary Judgment pre-motion conference letter: February 7, 2020

Finally, if Your Honor is inclined to grant the parties' request to adjust the date for filing of defendants' pre-trial conference letter, the parties also seek an adjournment of the January 14th post-discovery conference to a date and time convenient to the Court *after* February 7, 2020. This adjournment will allow for time for the parties to exchange 56.1 statements and for defendants' to file their pre-motion conference letter. It will also allow for the parties to have a meaningful discussion of defendants' anticipated summary judgment motion at the conference.

Thank you for consideration of the matters herein.

Respectfully submitted,



Valerie E. Smith
Senior Counsel
Special Federal Litigation Division

To: VIA ECF
Anthony Ofodile, Esq.
Attorney for Plaintiff
Law Offices of Anthony Ofodile
498 Atlantic Avenue
Brooklyn, NY 11217

GRANTED. By **February 7, 2020**, Defendants shall file their pre-motion letter pursuant to Rule III(C) of the Court's Individual Practices in Civil Cases. The case management conference scheduled for January 14, 2020, is ADJOURNED to **February 20, 2020**, at **11:00 a.m.**

SO ORDERED.

Dated: January 8, 2020



ANALISA TORRES
United States District Judge