

LAW OFFICE OF KEITH SZCZEPANSKI

38-17 52nd Street, 3rd Floor, Sunnyside, New York 11104
(917) 586-6493; keith@keithszczepanski.com


March 1, 2021

VIA ECF

Honorable Naomi Reice Buchwald
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Application granted.

SO ORDERED.


NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

Dated: New York, New York

March 2, 2021

Re: *Rodriguez v. City of New York et al.*, No. 18-cv-4805 (NRB)

Dear Judge Buchwald:

This office represents plaintiff Giovanni Rodriguez in the above-referenced matter. I write, with consent of defendants' counsel and in accordance with Rule 1E of Your Honor's individual practices, to respectfully request an extension of time to refile plaintiff's Second Amended Complaint ("SAC"). This is the plaintiff's first request for an extension to refile his SAC.

Briefly, on February 19, 2021, the Court filed a Memorandum and Order, granting in part and denying in part plaintiff's motion to amend his Amended Complaint. ECF Doc. No. 87. The Court gave plaintiff seven days to file his SAC. Plaintiff complied with the Court's Order. ECF Doc. No. 88. On the afternoon of February 26, a notice of deficient pleading was posted to the case docket. *See* Exhibit 1. In short, the SAC was deemed deficient because, unlike the previous complaints, the SAC's caption contained defendant Solomon's first name. I had a question regarding the deficient pleading notice, but, due to a family emergency, was unable to speak with an ECF Help Desk representative during business hours on February 26, which was a Friday. When I spoke with a Help Desk representative on the next business day, today, I was informed that in order to correct the deficiency I had to either: (1) remove defendant Solomon's first name from the caption and select the party previously entered into the ECF system; or (2) keep the SAC's caption as previously filed and add "Bernard Solomon" as a new party when filing the amended pleading. However, I was instructed that either option would require permission from the Court because, although the SAC was filed within the time provided by the Court, the corrected document would be filed after the deadline.

Thus, plaintiff respectfully requests permission for an extension to file the corrected SAC, in compliance with the ECF help desk's instructions. The revised SAC can be filed immediately. We appreciate your Honor's continued attention to this matter.

Respectfully submitted,
/s/ Keith Szczepanski

cc: All Counsel of Record (via ECF)