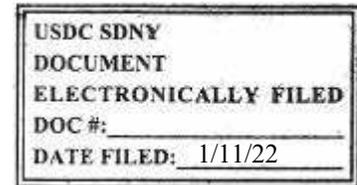


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January 10, 2022

VIA ECF

Hon. Alison J. Nathan
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Stanley v. CUNY, et al.*
Civil Action No.: 18-CV-4844 (AJN)

Hon. Judge Nathan:

I represent the Plaintiff and write to advise the court that Defendant CUNY and the individual defendants, Anthony Bracco, Susan Jeffrey and Elmer Phelon, have waived the requirement to personally serve them with a copy of the summons and complaint. The foregoing have executed waiver of service forms that were filed with the court today. *See* DN 94-97.

I have been informed that the remaining individual defendant, Neil Stewart, intends to execute a waiver but since he no longer works for CUNY, I have not received a signed waivers back from Mr. Stewart.

Therefore, I respectfully seek an additional 10 days by which to obtain and file this final executed waiver.

I have sought counsel for John Jay College's consent to this application for additional time, but they cannot provide this as they do not currently represent Mr. Stewart.

The Reasons Motivating this Application

Plaintiff did not act earlier to file proof of service as he intended first to request leave to file a third amended complaint based on recent developments. Namely, within weeks of the Court's September 20, 2021 Order granting Plaintiff leave to file a second amended complaint [DN 71], John Jay College denied Mr. Stanley's request for an accommodation based on his ongoing disabilities. As of October 5, 2021, Plaintiff was taken off paid administrative leave and placed on unpaid leave. Plaintiff appealed that determination to deny him an accommodation, and this appeal was aired during a conference held in or about late November 2021. Ultimately, by letter, dated December 9, 2021, the President of John Jay College, Karol V. Mason, issued a determination denying Plaintiff's appeal and upholding the denial of Plaintiff's request for an accommodation.

Given that these developments are germane to Plaintiff's disability discrimination claims, and mindful of court's reluctance to grant leave for multiple amendments, my intention was to request leave to file a third amended complaint before serving Defendants.

I changed course on December 21, 2021, when the court issued its order directing Plaintiff to file proofs of service by January 10, 2022. [DN 93].

A waiver of service signed by Mr. Stewart was filed on the public docket on January 11, 2022. Dkt. No. 99. The Court GRANTS Plaintiff's request to accept the waiver after the January 10, 2022 deadline.

1/11/22

SO ORDERED.



Respectfully submitted,



Ian F. Wallace