

THE LAW OFFICE OF

ELISA HYMAN, P.C.

January 7, 2021

BY ECF

Honorable Judge Paul A. Engelmayer
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *M.G., et al. v. New York City Department of Education, et al.*,
19-cv-3092 (PAE)

Dear Judge Engelmayer:

I represent the Plaintiffs in the above-referenced case. The parties write to jointly request that discovery be stayed and the Case Management Plan (“CMP”) be adjourned *sine die*.

Pursuant to the CMP in this case, which Your Honor So Ordered in April, 2020, fact discovery is set to close January 15, 2021. *See* Docket Entry 37. The parties apologize to the Court, but this discovery schedule has proven to be unrealistic in light of the current circumstances. It has been an unprecedented situation. The COVID-19 pandemic has continued to cause a tremendous interruption in both of our offices and at the Department of Education (“DOE”), including limited access to documents at times. Additionally, a significant amount of our respective offices’ resources and energy have been dedicated to navigating the closing, reopening and reclosing of New York City schools and to handling emergency situations to ensure that special education students continue to receive services and can access education. Moreover, this CMP was So Ordered prior to Plaintiffs’ filing of an amended complaint in this action, in which Plaintiffs added additional claims. Docket Entry 48. Lastly, the attorney for Plaintiffs who is assigned this case is currently on emergency medical leave, following emergency medical situations involving his son. For all these reasons, our discovery schedule has now become impossible to achieve. This is the parties’ first request to stay and extend the overall discovery schedule.

Furthermore, the parties are requesting an adjournment of the CMP deadlines *sine die* to allow us an opportunity to renew settlement discussions before needlessly expending resources on discovery. The parties previously engaged in an informal exchange of information for settlement purposes and have recently renewed the possibility of settlement of this matter. The parties are hopeful that a settlement could be reached in this action.

If Your Honor grants this joint request, the parties propose submitting a status report to the Court no later than March 25, 2021.¹

Thank you for Your Honor's consideration of this joint request.

Respectfully Submitted,

Erin O'Connor

Erin O'Connor, Of Counsel
The Law Office of Elisa Hyman, P.C.
Counsel for the Plaintiffs

Cc: Andrew Rauchberg, Esq., Assistant Corporation Counsel (via ECF)

Granted. The Court hereby stays discovery until April 1, 2021, and adjourns sine die the pending deadlines set forth in the case management plan and scheduling order, Dkt. 37, including the conference scheduled for March 25, 2021. The parties shall file a joint status report on March 25, 2021, which should include a revised case management plan and discovery deadline. The Court expects counsel to continue settlement discussions in earnest in the coming months.

SO ORDERED.

Paul A. Engelmayr

PAUL A. ENGELMAYER
United States District Judge

January 8, 2021

¹ The next case management conference is currently scheduled for March 25, 2021, following the close of discovery. If Your Honor grants our request for a stay of discovery and adjournment of the CMP, the parties propose adjourning the case management conference *sine die* as well.