

The stay of this action is LIFTED, and the Court holds in abeyance the City's answer to the amended complaint. By **Monday, February 7, 2022**, Defendant City shall file with the Court and serve on Mr. Grazette a letter identifying the John Doe defendants in accordance with the Order of Service. (ECF No. 19 at 5–6). Within 30 days of receiving this information, Mr. Grazette must file a second amended complaint ("SAC") naming the John Doe defendants. (*Id.*) The Court refers Mr. Grazette to the Order of Service for instructions concerning the SAC.

The Clerk of Court is respectfully directed to mail this Order, and a copy of the Order of Service (ECF No. 19) to Mr. Grazette, at the address below.

SO ORDERED 1/7/2022

Mail To: David I. Grazette
285 Pulaski Street, Apt. 4R
Brooklyn, New York 11206



SARAH L. CAVE
United States Magistrate Judge

United States Magistrate Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Grazette v. City of New York, et al.,
20 Civ. 965 (AJN) (SLC)

Your Honor:

I am the attorney assigned to represent defendant the City of New York (the "City") in the above-referenced matter. The City writes, pursuant to the Court's Order dated December 8, 2021 (ECF No. 75), to provide a further update as to the status of the Civilian Complaint Review Board ("CCRB") investigation related to the events underlying the allegations in this case, and to respectfully request: (1) that the current stay of proceedings be lifted; (2) that the Court afford this Office thirty (30) days to identify the remaining New York City Police Department ("NYPD") John Doe defendants named in the Amended Complaint; and (3) that the Court hold the City's answer to the Amended Complaint in abeyance, pending the filing of plaintiff's second amended complaint (see ECF No. 19).

By way of background, on September 2, 2020, the Court issued a Valentin Order instructing this Office to file a letter identifying the NYPD John Doe defendants named in the Amended Complaint. (See ECF No. 19). The Valentin Order further instructed plaintiff to file a second amended complaint naming the John Doe defendants within thirty days of the City's letter. (See *id.*). On October 8, 2020, the City was served with the Amended Complaint. (See ECF No. 28). On October 26, 2020, the City filed a letter motion requesting that this case be stayed, as this Office was informed by CCRB that an investigation into the incident underlying this action was pending. (ECF No. 32). On November 2, 2020, this Office identified one of the NYPD John Doe defendants, and requested an additional sixty days to identify the remaining NYPD John Doe defendants. (ECF No. 35).

On November 6, 2020, the Court granted the City's motion to stay proceedings, and further ordered the City to submit a status report "updating the Court and Plaintiff about the status of the CCRB's investigation on Tuesday, January 5, 2021." (ECF No. 38). Thereafter, the City submitted several additional status reports advising the Court and plaintiff that the CCRB

investigation into the incident underlying this action remained pending. (ECF Nos. 42, 48, 55, 59, 63, 68, 70, 72, and 74). On December 8, 2021, the Court continued the stay of this action and instructed the City to provide a further status report concerning the CCRB investigation by January 6, 2022. (ECF No. 75).

This Office writes herein to inform the Court that it is advised that, as of December 29, 2021, the CCRB investigation into the incident underlying this action is closed. The undersigned subsequently requested additional materials from CCRB concerning the outcome of the investigation, which were received on January 6, 2022.

While the CCRB investigation has concluded, this Office has only just received additional documentation regarding its outcome, including the relevant materials generated by CCRB during the investigation. Thus, as this Office has not yet been able to review these materials, additional time is needed to identify the remaining NYPD John Doe defendants referenced in the Court's September 2, 2020 Valentin Order. (See ECF No. 19).

As the CCRB investigation related to the events underlying the allegations in this case is no longer pending, the undersigned respectfully requests that the Court lift the stay of the instant matter. Moreover, based on the foregoing, the City further respectfully requests thirty (30) days to identify the remaining NYPD John Doe defendants named in plaintiff's Amended Complaint, and that the Court hold the City's answer in abeyance, pending the filing of plaintiff's second amended complaint (see ECF No. 19). The undersigned respectfully submits that the requested deadline will allow this Office to review the materials received from CCRB and ascertain the identities of the additional NYPD defendants named in plaintiff's Amended Complaint.

The City thanks the Court for its time and attention to this matter.

Respectfully submitted,



Andrew B. Spears
Assistant Corporation Counsel
Special Federal Litigation Division

CC: **VIA E-MAIL ONLY**

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CC: **VIA ECF**

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