

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALAN TAVERAS,

Plaintiff,

-v.-

NEW YORK CITY, NEW YORK; JONATHAN DAVID,
*in his official capacity as Director, NYPD License
Division; ASIF IQBAL, in his official capacity as
Executive Director, License Division Rifle/ Shotgun
Section; DERMOT SHEA, in his official capacity as
Police Commissioner, and all successors therein; and
KEECHANT SEWELL, in her official capacity as
NYPD police commissioner and all successors,*

Defendants.

20 Civ. 1200 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

On November 15, 2022, Defendants filed a motion to dismiss Plaintiff's Second Amended Complaint without first filing a pre-motion letter requesting a conference as required by Rule 4(A) of the Court's Individual Rules of Practice in Civil Cases (the "Individual Rules"). (See Dkt. #38-40). The Court accepted Defendants' motion but instructed the parties to review the Individual Rules and expressed its expectation that "the parties ... will take care to comply with [the Individual Rules] going forward." (Dkt. #41). The Court also set a briefing schedule for Defendants' motion. (*Id.*). On January 13, 2023, Plaintiff filed an opposition to Defendants' pending motion to dismiss in accordance with that briefing schedule. (See Dkt. #41, 43).

Along with his opposition, Plaintiff filed a cross-motion for summary judgment. (See Dkt. #44-48). Plaintiff did not file a pre-motion letter nor

otherwise seek the Court's leave to file that motion. This failure to file a pre-motion letter violated Individual Rule 4(A). Plaintiff's summary judgment motion is premature for an additional reason: It will only be necessary to address the issues raised in Plaintiff's summary judgment motion in the event that Defendants' pending motion to dismiss is denied.

Accordingly, Plaintiff's cross-motion for summary judgment is DENIED without prejudice as to its renewal, following the resolution of the pending motion to dismiss. Any such renewal should be filed in accordance with the Court's Individual Rules. As a reminder, Defendant's reply in further support of their motion to dismiss is due on or before **January 27, 2023**. The Clerk of Court is directed to terminate the motion at docket entry 44.

SO ORDERED.

Dated: January 17, 2023
New York, New York



KATHERINE POLK FAILLA
United States District Judge