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VIA ECF

Hon. Paul G. Gardephe
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Memo Endorsed: This application is granted, and the conference previously scheduled for January 14, 2021 is adjourned to February 4, 2021 at 9:15 a.m

SO ORDERED.

Paul G. Gardephe
United States District Judge

Dated: January 7, 2021

January 5, 2021

Re: *A.W., individually and on behalf of J.W., a child with a disability, v. New York City Department of Education*
20-CV-07645 (PGG)

Dear Judge Gardephe:

I am the Assistant Corporation Counsel assigned to the defense of the New York City Department of Education (DOE) in above-referenced action brought under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, *et seq.*, in which Plaintiffs sought implementation of an administrative order, and to recover attorney's fees incurred in the course of administrative proceeding. Notably, the administrative order has now been implemented, and the only issue to be resolved is Plaintiffs' claim for fees and expenses.

I write to request (1) a three week extension of Defendant's time to answer Plaintiffs' Complaint, from January 6, 2021 to January 27, 2021; and (2) a corresponding adjournment of the initial conference scheduled for January 14, 2021 to a date after January 27, 2021 that is convenient for the Court. I apologize for the timing of the request for an extension of time to respond to the Complaint. This is Defendant's third request for an extension of time to respond to the Complaint. Plaintiffs' counsel consents to the request, but notes that he will not consent to any future request for an extension of time to respond to the Complaint.

Due to the fiscal impact of the COVID19 pandemic on the City of New York, my Office has lost six full time staff attorneys who handled solely IDEA fees cases. The cases that had previously been assigned to those attorneys are now assigned to the approximately 20 attorneys in my division, the General Litigation division, though the City has recently retained a law firm to take over some of these cases.

An extension of this deadline would provide me, or another attorney who may be assigned to the case, the time needed to conduct a review of the documents relating to the underlying administrative proceeding, as well as Plaintiffs' counsel's timesheets in order to request authority to settle the action and attempt to negotiate a settlement.

Thank you for your consideration of this request.

Respectfully,

/s/

Sharon Sprayregen
Assistant Corporation Counsel

cc: Kevin Mendillo (*by ECF*)
Attorney for Plaintiffs