

**MEMORANDUM ENDORSED**

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 7/29/2022

**HON. SYLVIA O. HINDS-RADIX**  
*Corporation Counsel*

**THE CITY OF NEW YORK**  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

**BILAL HAIDER**  
Assistant Corporation Counsel  
Labor and Employment Law Division  
Phone: (212) 356-3549  
Fax: (212) 356-3509  
bhaider@law.nyc.gov

July 27, 2022

**BY ECF**

Honorable Gregory H. Woods  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Fierro v. The City of New York, Department of Education  
20 Civ. 9966 (GHW)

Your Honor:

I am an attorney in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, assigned to represent defendant in the above-referenced matter. Defendant writes on behalf of the parties to respectfully request (1) an extension of time from August 25, 2022, to October 7, 2022, to complete fact discovery and (2) the Court's endorsement of the Proposed Stipulation of Confidentiality and Protective Order annexed hereto.

On April 27, 2022, Your Honor issued an Order requiring the parties to complete fact discovery by August 25, 2022. (See Civil Case Management Plan And Scheduling Order dated April 27, 2022, ECF No. 40.) Since Your Honor's Order, the parties have been actively engaged in discovery. Thus far, the parties have responded to interrogatories and document requests in writing and have produced approximately 400 pages of documents and multiple audio recordings.

Defendant also produced a spreadsheet showing the six hundred and forty-two (642) Principal and Assistant Principal positions that plaintiff applied for between 2018 and 2019. According to the spreadsheet, plaintiff was interviewed for eighty-one (81) of those positions. As plaintiff's counsel stated during the April 27th initial conference, plaintiff is seeking documents related "hundreds of applications" for Principal and Assistant Principal positions that plaintiff applied for between 2018 and 2019. Defendant has agreed to produce non-privileged, responsive documents related to the application process for the Principal and Assistant Principal positions that Plaintiff applied for in 2018-2019 and was subsequently interviewed for, if they can be located in a reasonable search.

In light of the numerous positions for which plaintiff was interviewed, additional time is needed for the undersigned to obtain, redact, and produce these documents to plaintiff. These documents are not kept in a centralized computer system within the DOE. In order to collect these documents, DOE has contacted the current principal offices and superintendent officers that were responsible for the interviewing and hiring of the eighty-one (81) positions that plaintiff was interviewed for. Most of these documents are stored in hard copy form. Also, many of the individuals with access to these physical files are currently on vacation as most schools are not fully staffed during the summer months. Additional time is also needed for the parties to review this outstanding discovery prior to depositions so that individuals will not have to appear for a second deposition once more documents are obtained.

To date, the undersigned has received responsive documents related to the application process for fourteen (14) positions. Defendant has agreed to produce these documents on a rolling basis and intends to make a production prior to the mediation session currently scheduled for August 18, 2022.

Accordingly, the parties seek an extension of time from August 25, 2022, to October 7, 2022 to complete fact discovery. This is the parties' first request for an extension of time to complete fact discovery.

Additionally, the parties respectfully request that the Court so-order the annexed Stipulated Confidentiality Agreement and Protective Order. Pursuant to Rule 4(D) of this Court's Individual Rules, the parties have annexed an additional copy of the proposed Protective Order with a blackline showing all deviations from the Court's Model Protective Order. Accordingly, the parties jointly request that the Court so-order the annexed Stipulated Confidentiality Agreement and Protective Order.

Thank you for your consideration of this request.

Respectfully submitted,

*/s/ Bilal Haider*

Bilal Haider

Assistant Corporation Counsel


cc: Matthew Ian Marks, Esq. (via ECF)  
Counsel for Plaintiff

The parties request for an extension of fact discovery is granted. The deadline for the completion of fact discovery is extended to October 7, 2022. The deadline for completion of depositions is extended to September 23, 2022. The deadline for the service of requests to admit is extended to September 9, 2022. The deadline for the completion of expert discovery is extended to November 21, 2022. The deadline for party proponent disclosures is extended to October 7, 2022. The deadline for party opponent disclosures is due no later than October 21, 2022. The deadline for motions for summary judgment motions is extended to January 6, 2023. The joint status letter described in the Court's April 27, 2022 order is due no later than January 13, 2023. The status conference currently scheduled for November 9, 2022 is adjourned to January 16, 2023 at 4:00 p.m.

The Clerk of Court is directed to terminate the motion at Dkt. No. 44.

SO ORDERED.

Dated: July 29, 2022  
New York, New York

  
GREGORY H. WOODS  
United States District Judge