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May 6, 2024

Via ECF

Hon. Colleen McMahon
United States District Court
for the Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: *Brown v. City of New York*, 20-cv-10846-CM

Your Honor:

I am a Senior Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York (the "City"), counsel for the City in this matter. I am writing to respectfully request an adjournment of the trial date of September 23, 2024, set by the Court's order of April 18, 2024 (ECF No. 58), to a date on or after October 10, 2024. In addition, the parties jointly request that the Court extend the time *nunc pro tunc*, for motions *in limine*, from April 25, 2024, to August 5, 2024, and set the date for other pre-trial submissions to August 5, 2024. Plaintiff's counsel consents to the request for adjournment of the trial date and joins the requests relating to schedule for the pre-trial submissions. This is the first request for adjournment of these dates.

These adjournments are requested because the undersigned counsel has a previously scheduled trial date (set on November 14, 2023) of September 16, 2024, in the case of *Walker v. City of New York*, 14-cv-00680-NRM-PK (E.D.N.Y.).¹ The *Walker* trial is scheduled by the Court to continue until September 26, 2024. In addition, I have a trial beginning August 12, 2024 (set

¹ As discussed at the conference in this matter on April 18, 2024, the undersigned is representing the defendants in a previously scheduled trial in September; at that time I did not know the specific trial date because I could not bring my phone into the courthouse. I informed the Court's chambers of the trial date by email on April 24, 2024, and was instructed to make any request for adjournment of the trial by application on ECF. Due to burdensome filing deadlines in other matters, the City's counsel was unable to prepare this application until now, and the City apologizes for the delay.

Request granted. Final Pre-trial
Conference re-scheduled to
10/3/2024 at 10:00 AM.
Trial is re-scheduled to
10/21/2024 at 9:30 AM.

Colleen McMahon
5/8/2024

on April 15, 2024), in *Dominguez v. City of New York*, 1:21-cv-02302-DEH (S.D.N.Y.), in which trial is expected to last from 3-5 trial days..

In light of the above dates, it is impossible for me to represent the defendants in all three trial matters under the current schedule. Accordingly, the City respectfully requests adjournment of the trial date in this matter from September 5, 2024, to a date at least two weeks from the conclusion of the trial in *Walker* on September 26, 2024, which would be October 10, 2024, or later.

The Court has not yet ordered a date for pre-trial submissions pursuant to the Court's Individual Practices, which state that the deadline for the Joint Pre-Trial Order and other papers shall be set by the Court. The parties respectfully request that the deadline for such papers be set for August 5, 2024.

In addition, all counsel were unaware of the Court's deadline in its Individual Practices for the filing of motions *in limine* five days following notice of the pre-trial conference date, which was issued on April 18, 2024, making motions in limine due April 25, 2024. Counsel apologize to the Court for not being cognizant of the Court's rule. In any event, the parties would not have been in a position to file motions in limine on April 25, 2024, because discovery is not complete, and defendants' counsel was already fully occupied with other matters at that time. The parties jointly respectfully request that their motions *in lime* also be due August 5, 2024, along with other pre-trial submissions.

We thank the Court for its consideration of this matter.

Sincerely,

Alan H. Scheiner

Alan H. Scheiner

Senior Counsel

Special Federal Litigation Division

Encl.

cc (via ECF): All counsel