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September 9, 2022

VIA ECF

Honorable Paul G. Gardephe
United States District Court
Southern District of New York
40 Foley Square, Courtroom 705
New York, New York 10007

Re: Rhashawn Wilson v. City of New York, et al.,
21 Civ. 479 (PGG)

Your Honor:

I represent defendants City of New York and New York City Police Department ("NYPD") Officers McQuail, Dunn and Rugg in the above-referenced matter. Defendants write to respectfully request that the Court extend their time to file their anticipated motion for summary judgment from September 22, 2022 to October 16, 2022, and extend the corresponding opposition and reply deadlines accordingly. This is defendants' first such request. Plaintiff consents to this request.

By way of background, on July 20, 2022, defendants filed a letter requesting a pre-motion conference regarding their anticipated motion for summary judgment (ECF No. 37). Plaintiff never responded thereto. On September 1, 2022, the Court issued an Order setting the following briefing schedule for defendants' anticipated motion: (1) defendants' initial motion papers are due September 22, 2022; (2) plaintiff's opposition is due October 13, 2022; and (3) defendants' reply, if any, is due October 20, 2022 (ECF No. 38).

Defendants respectfully request that the Court adjust the current briefing schedule as follows: (1) defendants' initial motion papers are due October 14, 2022; (2) plaintiff's opposition is due November 4, 2022; and (3) defendants' reply, if any, is due November 11, 2022. The reason for this request is that the undersigned is scheduled to begin trial before the Honorable Frederic Block in the Eastern District of New York on September 27, 2022, in a case in which this Office represents five defendant NYPD officers. See McClarín v. City of New York, et al., 16-CV-6846 (FB) (SJB). Trial is expected to last through September 30, 2022. As such, the undersigned's schedule for September is largely full with preparing for trial as well as keeping up with other, previously scheduled deadlines and conferences in other cases. Accordingly, defendants respectfully request that the Court adjust the current briefing schedule for defendants' anticipated

motion for summary judgment as proposed *supra*, so as to allow the undersigned two weeks after the completion of trial to complete and serve defendants' anticipated motion.

Thank you for your time and consideration.

Respectfully submitted,

/s/ Zachary Kalmbach

Zachary Kalmbach

Assistant Corporation Counsel

Special Federal Litigation Division

cc: **Via ECF**

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Sameer Nath

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Attorneys for plaintiff

MEMO ENDORSED

The Application is granted.

SO ORDERED:

Paul G. Gardephe

Paul G. Gardephe, U.S.D.J.

Dated: September 15, 2022