

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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K.S. on Behalf of Herself and Her Minor :
Child, D.S, :
:
Plaintiffs, : 21 Civ. 4649 (PAC)
-against- :
Order
THE CITY OF NEW YORK, ST. VINCENT'S :
SERVICES, INC., HEARTSHARE HUMAN :
SERVICES OF NEW YORK, HEARTSHARE :
ST. VINCENT'S SERVICES, THE :
ADMINISTRATION FOR CHILDREN'S :
SERVICES, COMMISSIONER DAVID :
HANSELL, In His Official Capacity, :
ACS J. DOE 1, ACS J. DOE 2, JOHN OLUFEMI, :
ST. VINCENT'S J. DOE 1, ROSALYN :
CHERNOFSKY, LYDIA KING, DAWN :
SAFFAYEH, NEW YORK CITY DEPARTMENT :
OF EDUCATION; NEW YORK CITY BOARD :
OF EDUCATION; CHANCELLOR MEISHA :
PORTER, In her Official Capacity, :
:
Defendants.
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On November 17, 2022, the Court held a conference to discuss Plaintiffs' application to file a second amended complaint and to issue two non-party subpoenas. *See* ECF Nos. 56, 58. The Court **GRANTS** Plaintiffs leave to file a second amended complaint by January 9, 2023. The Court finds no undue delay, bad faith, or dilatory motive in allowing Plaintiffs to review additional records in furtherance of their claims and that the Defendants are not unduly prejudiced by a minor delay in the continuation of the case. *See Monahan v. New York City Dep't of Corr.*, 214 F.3d 275, 283 (2d Cir. 2000).

Further, the Court **GRANTS** Plaintiffs' request under Fed. R. Civ. Pro. 45 for a

subpoena for production of documents concerning D.S. from Safe Horizon, Inc. *See* ECF No. 58-1. Plaintiffs' request for a subpoena for the production of documents from The Brooklyn Hospital Center, *see id.* 58-2, is **DENIED** without prejudice to its renewal. Plaintiffs are directed to meet and confer with The Brooklyn Hospital Center and confirm the Center possess the relevant records.

In light of Plaintiffs' leave to file a second amended complaint, the parties' proposed briefing schedule is hereby adopted. Plaintiffs' second amended complaint is due on or before January 9, 2023. Any defendant wishing to file a motion to dismiss or an answer must do so on or before February 9, 2023. A response to the motion to dismiss is due on or before March 9, 2023, and a reply on or before March 23, 2023.

Dated: New York, New York
November 1, 2022

SO ORDERED



HONORABLE PAUL A. CROTTY
United States District Judge