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May 7, 2024

VIA ECF

Honorable Colleen McMahon
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Matter Stayed, pending
appeal. Parties to update the
Court as to the appeal status.

Re: Lester Pearson v. City of New York, et al.,
22 Civ. 10669 (CM)

Colleen McMahon
5/8/2024

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, assigned to the defense of the above-referenced matter on behalf of the City of New York. For the reasons set forth below, the parties respectfully request a stay of the matter during the pendency of plaintiff's appeal, including defendant's deadline to respond to the second amended complaint, presently set for May 9, 2024. This is the first such request. Plaintiff's counsel, David Broderick, Esq., joins in this request.

By way of background, the Court issued its Order on defendants' motion to dismiss on April 26, 2024. (ECF Dkt. 100). Thereafter, plaintiff filed his first notice of appeal relating to the Court's April 26th Order. Plaintiff seeks to appeal the Court's decision in which it dismissed each individual defendant and a significant number of claims.

A stay is merited in light of the Court's decision regarding defendants' motion and plaintiff's seeking to appeal. Here, a stay would promote efficiency and conserve the parties' and judicial resources, as it would ensure that discovery is only undertaken one time. In addition, neither party will be prejudiced, if a stay is issued. Lastly, there are no countervailing factors disfavoring a stay, as both parties join in this request and intend on using the interim period to explore settlement.

Accordingly, the parties respectfully request that the Court stay all proceedings herein during the pendency of plaintiff's appeal.

The parties thank the Court for its time and consideration herein.

Respectfully submitted on behalf of
the parties,

/s

Joseph Zangrilli
Senior Counsel
Special Federal Litigation Division

Cc: VIA ECF
David Broderick, Esq.