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**MEMO ENDORSED**

August 29, 2024

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**BY ECF**

The Honorable Barbara C. Moses  
 United States District Court for the  
 Southern District of New York  
 United States Courthouse  
 500 Pearl Street  
 New York, NY 10007

Insofar as plaintiff requests an extension of time to file a further amended complaint, the application is DENIED as MOOT. The undersigned Magistrate Judge has recommended a disposition under which plaintiff would have 14 days from the District Judge's decision on the pending motions to replead Claims 9 and 15. *See* Report and Rec. (Dkt. 73) at 69. Thus far, no judicial officer has set a deadline for that filing.

Barbara Moses  
 United States Magistrate Judge  
 August 30, 2024

Re: *Alba v. City of New York, et al.*, 23-CV-08619-LAK-BCM

Dear Magistrate Judge Moses:

I am the attorney for the plaintiff. I write, with the consent of defense counsels, to request that the Court grant plaintiff an extension to file a complaint regarding the conditions of confinement at Rikers Island, or replead Claims 9 and 15, as set forth in the Report and Recommendation, dated August 26, 2024, until Judge Kaplan rules on plaintiff's objections to the Report.

This extension is necessary for several reasons: (1) I have to prepare for, conduct financial asset discovery, and return to the N.D.N.Y., on a date to be determined by the court in 30 to 60 days, to complete the punitive damages phase of a jury trial I recently conducted, *see Zeltman v. Infigny Solutions, LLC*, 1:20-cv-00571-MAD-CFH (N.D.N.Y.) (ECF doc. no. 131); (2) my client is presently out of the Country and, when he returns soon, I have to meet with him and his family, including for translation purposes, regarding the objections to the Report and Recommendation and to elicit additional details regarding what took place at Rikers Island; (3) I am still catching up on matters I had to put on hold due to the trial and have other matters and submissions scheduled, including appeals in state court; (4) I have to recover for a few days from a medical procedure I had early this morning; (5) the parties have to prepare submissions regarding the Report and Recommendation; and (6) the parties believe it would be more efficient to put the complaint regarding the conditions on hold until Judge Kaplan rules on the objections.

Thank you for your consideration.

Respectfully,

*Richard Cardinale*

Copy: All counsel

Richard Cardinale