

GIBSON DUNN

Gibson, Dunn & Crutcher LLP

200 Park Avenue
New York, NY 10166-0193
Tel 212.351.4000
www.gibsondunn.com

Paul J. Kremer
Direct: +1 212.351.2647
Fax: +1 212.351.6247
PKremer@gibsondunn.com

June 17, 2022

VIA CM/ECF

Hon. Nelson S. Román
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 6/21/2022

MEMO ENDORSED

Re: Booker v. Griffin, et al., 16 Civ. 72 (NSR) (PED)

Dear Judge Román:

I write as counsel for Plaintiff Amin Booker in the above-captioned case to respectfully request a sixty-day adjournment of Plaintiff’s filing deadline for his cross-motion and opposition to Defendants’ motion for summary judgment. I make this request because Mr. Booker’s correctional facility has made it extremely difficult to schedule prompt legal calls.

Since April 7, 2022, the date Defendants’ filed their motion for summary judgment, we have only been able to speak with Mr. Booker once about his case, on June 10, 2022, despite repeated attempts to schedule calls through DOCCS. Initially, we had a call scheduled with Mr. Booker on May 10, 2022. When we called the facility that day, they stated that Mr. Booker was unavailable to speak with us, but they would not disclose the reason due to HIPAA restrictions. On that same day, we sent a follow up request to DOCCS to schedule another call. They responded on May 16, 2022 stating that none of our three requested dates were available. The earliest date provided to us was June 8, 2022.

Eventually, on June 10, 2022, we were able to speak with Mr. Booker for the first time since Defendants’ April 7, 2022 filing. However, the call was unexpectedly cut short by the facility and hindered by technology issues. We subsequently called the facility and sent a follow up email to DOCCS stressing the importance of our July 11, 2022 deadline, and requested that they allow us to speak with Mr. Booker again on the weeks of June 27th and July 5th so that we could adequately prepare his response. However, they denied the request, stating that:

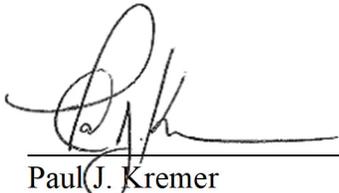
“As per Departmental Policy, incarcerated individuals are allowed one 30 minute legal call every 30 days” and therefore we could request another phone call to be scheduled on or after July 10, 2022 (the day before our deadline).

GIBSON DUNN

Honorable Paul E. Davison
June 17, 2022
Page 2

We have conferred with Defendants' counsel and he has consented to our adjournment request. If the Court grants this request, the remaining deadlines will be adjusted as follows: (i) Plaintiff's cross-motion and opposition papers shall be served not filed on September 9, 2022, (ii) Defendants' reply and cross-opposition papers shall be served not filed on October 10, 2022, and (iii) Plaintiff's cross-reply papers shall be served on November 8, 2022, and all motion papers will be filed that day.

Respectfully submitted,



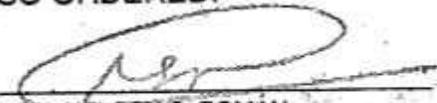
Paul J. Kremer

cc: Counsel of record (via CM/ECF)

Plaintiff's request for an extension, with Defendants' consent, is GRANTED. The briefing schedule for the cross-motions for summary judgment is modified as follows: (i) Plaintiff's cross-motion and opposition papers shall be served (not filed) on September 9, 2022; (ii) Defendants' reply and cross-opposition papers shall be served (not filed) on October 10, 2022; and (iii) Plaintiff's cross-reply papers shall be served on November 8, 2022. All motion papers shall be filed on November 8, 2022. The Clerk of Court is kindly directed to terminate the motion at ECF No. 256.

DATED: June 21, 2022
White Plains, NY

SO ORDERED:



HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE