

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>8/26/2021</u>

Memorandum Endorsement

M.C. v. County of Westchester, et al., 16-cv-3013-NSR

The Court is in receipt of the attached letters dated August 4, 2021 and August 5, 2021 seeking to adjourn the trial currently scheduled to begin on October 25, 2021 or November 1, 2021. (ECF Nos. 163, 164.) In subsequent telephonic communications with Chambers, where all parties were represented by counsel, the parties were advised that an adjournment would necessarily result in the instant trial being **tentatively** scheduled for a date on, or after, April 2022, and counsel represented that they were amenable to certain dates. Counsel were also advised, and the Court repeats here, that the Court is no longer in control of firmly setting trial dates and that the Jury Committee now selects which trials will proceed on specific dates with priority being given to criminal cases and civil cases designated as ‘back-ups’ thereto.

The parties’ request to reschedule the Jury Trial from October 25, 2021 or, alternatively, November 1, 2021 until April 25, 2022 or, alternatively, May 2, 2022 is GRANTED. Jury selection will begin on the morning of the trial date.


Due to the rescheduling of the Jury Trial dates, all trial deadlines will likewise be rescheduled. The Joint Pretrial Order shall be submitted on February 18, 2022. Voir dire, request to charge, all proposed jury instructions, proposed verdict sheet, witness lists, exhibits lists and copies of premarked, tabbed exhibits (in binders) (Plaintiff to use number exhibits (*e.g.*, 1, 2, 3); Defendants to use letter exhibits (*e.g.*, A, B, C)) shall be submitted to Chambers on April 11, 2022. Two sets of all the above documents are due the morning of the respective deadline date. Motions in limine briefing schedule is as follows: Moving papers shall be filed February 25, 2022; Opposition papers shall be filed March 4, 2022; and Reply papers shall be filed March 11, 2022. The parties are directed to provide 2 physical and electronic courtesy copies of all motion documents to Chambers as the documents are filed. **NO EXTENSIONS WILL BE ENTERTAINED – THESE ARE FINAL DATES.**

The Final Pretrial Conference, to be held via teleconference, is rescheduled from October 15, 2021 to April 8, 2022 at 2:00 pm. The Court encourages the parties to continue discussing settlement, to advise the Court if it can further facilitate settlement discussions, and to keep the Court informed of the status of case.

The Clerk of the Court is directed to terminate the Motion at ECF No. 163.

Dated: August 26, 2021
White Plains, New York

SO ORDERED:



 NELSON S. ROMÁN
 United States District Judge

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August 4, 2021

By ECF

The Honorable Nelson S. Román
United States District Judge
300 Quarropas Street
White Plains, NY 10601

Re: *M.C. v. County of Westchester, et al.*, No. 16 Civ. 3013

Dear Judge Román:

This firm represents the Plaintiff in the above-referenced action. As the Court may know, the two principal attorneys who handled this case through summary judgment, Elizabeth Saylor and David Lebowitz, have left the firm. As a result, I along with my partner Debra Greenberger have stepped in to conduct the trial currently scheduled to begin on October 25 or November 1, 2021 with a joint pretrial order due August 30, 2021 and the briefing of *in limine* motions in the first half of September 2021.

I write to request that the trial be adjourned for 30 days along with the related filing dates because I am actively engaged in preparing for another jury trial in the Southern District of New York before Judge Preska in *Laureano v. City of New York*, 17 Civ. 181 (LAP). The final pre-trial conference is set for September 1, and jury selection will begin on September 15. Because of the trial in *Laureano*, I do not have time to prepare for the trial in this action. A delay of 30 days will allow me the time needed to prepare for trial in this case, including preparing the joint pre-trial order, the motions *in limine*, and other pre-trial filings and, of course, preparing trial presentations and examinations. Defendants take no position on this request.

We apologize for the timing of this request, but fear that if the trial date proceeds as scheduled I will not be able to serve as trial counsel as our client desires. Thank you for your attention to this request.

Respectfully submitted,

/s
Earl S. Ward

c. All Counsel (by ECF)

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August 5, 2021

By ECF

The Honorable Nelson S. Román
United States District Judge
300 Quarropas Street
White Plains, NY 10601

Re: M.C. v. County of Westchester, et al., No. 16 Civ. 3013

Dear Judge Román:

We write to inform the Court that counsel for the parties have conferred and we are all available for trial commencing March 7, 2022. Defense counsel has confirmed the new date with the majority of defendants and does not anticipate any scheduling issues, but is waiting to hear back from one or two more. The parties also jointly propose that we file the joint pre-trial order by November 19, 2021 and *in limine* motions on December 3, 2021, with opposition and reply papers due on December 15 and 22, respectively.

Thank you.

Respectfully submitted,

/s

Earl S. Ward

c. All Counsel (by ECF)