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VIA ECF

October 20, 2021

Honorable Philip M. Halpern
U.S. District Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601-4150

Re: *Yazurlo v. City of Yonkers, et al.*
Case No.: 17-CV-02027 (PMH)

Dear Judge Halpern:

We represent Plaintiff, Michael Yazurlo, in the above-captioned matter. We write with the consent of defendants' counsel, regarding the Court's Order dated August 23, 2021, stating that this case was dismissed without costs and without prejudice to restoring the action to the Courts calendar, provided the application to restore the action is made within sixty-one (61) days of this Order. Sixty-one (61) days from the Order is October 23, 2021.


Plaintiff is respectfully requesting a Thirty (30) day extension of time to file an application to restore the action. The new date for plaintiff to file an application to restore, if granted would be, November 22, 2021.

The reason for this request is due to the fact that the Plaintiff has passed away and his wife, Nancy Tinelli, is to be substituted as Executor of his estate and execute the settlement agreement. On October 12, 2021, defendants' counsel provided a draft agreement to be reviewed. However, the undersigned was not able to review and discuss this draft agreement with Ms. Tinelli as her father had just passed away from COVID-19 and her mother is currently hospitalized due to COVID-19.

In order to preserve plaintiff's right to restore the action in case the settlement in principle fails, plaintiff is requesting an extension of time to file said application from October 23, 2021 to November 22, 2021.

We thank the Court for its consideration of this request.

Respectfully submitted,


Paul A. Carruthers

cc: All Attorneys of Record (via ECF)

Application granted. Any application to reopen this action shall be filed by November 22, 2021.

The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 66.

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
October 21, 2021

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