



George Latimer
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

Plaintiff is directed to file his amended complaint on or before June 30, 2021. Defendants shall serve (not file) their motion to dismiss the amended complaint on or before July 30, 2021; Plaintiff's opposition shall be served (not filed) on or before August 30, 2021; Defendants shall serve their reply on or before September 14, 2021. All motion papers shall be filed on the reply date, September 14, 2021. The parties shall provide the Court with two courtesy copies of all motion papers as they are served. The Clerk of Court is directed to terminate the motion at ECF No. 33.

Dated: June 3, 2021
White Plains, NY

June 3, 2021

SO ORDERED:



HON. NELSON S. ROMÁN
UNITED STATES DISTRICT JUDGE

VIA ECF

Hon. Nelson S. Román
United States District Judge
Southern District of New York
The Charles L. Briant Jr. Federal Building and U.S. Courthouse
300 Quarropas Street
White Plains, N.Y. 10601

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>6/3/2021</u>
--

Re: Clarke v. Westchester County, et al., 21-cv-1877 (NSR)

Dear Judge Román:

This office represents the Westchester County Defendants ("County Defendants") in the above-referenced matter.

Pursuant to your Order dated May 7, 2021, a pre-motion conference for the County Defendants to file their motion to dismiss pursuant to FRCP Rule 12(b)(6) was waived and the following deadlines were set: County Defendants' Motion to Dismiss shall be served by June 7, 2021; Plaintiff's opposition served by July 7, 2021; and County Defendants' reply served by July 27, 2021. (Dkt. 27). Subsequent to that Order, Plaintiff filed a Proposed Joint Stipulation, amending his Complaint to withdraw his Intentional Infliction of Emotional Distress claim with prejudice and eliminate defendants Shawn Harris, Glenn Scott, Martin J. McGlynn, and Thomas A. Gleason without prejudice. (Dkt. 32). That Joint Stipulation was So Ordered by this Court on May 24, 2021 (Dkt. 32).

As Plaintiff's amendment was done via Joint Stipulation, the deadline for Westchester County to file a motion to dismiss the operative Complaint is unclear. We are respectfully requesting that the deadline for Westchester County to serve its motion to dismiss be extended two weeks, and that the responsive deadlines be adjusted accordingly: Westchester County's motion to dismiss served by June 21, 2021; Plaintiff's opposition served by July 21, 2021; and Westchester County's reply served by August 4, 2021. Plaintiff's counsel consents to this request.

MEMO ENDORSED



I thank you in advance for your time and consideration of this matter, and should your staff need to contact me, I can be reached at (914) 995-3637.

Respectfully submitted,



Loren Zeitler
Senior Assistant County Attorney

To: All counsel of record (*via ECF*)