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October 3, 2013

Via Electronic Mail

Hon. Catherine O'Hagan Wolfe
Clerk of Court
United States Court of Appeals for the Second Circuit
40 Foley Square
New York, NY 10007

Re: *Floyd, et al. v. City of New York*, 13-3088

Dear Ms. Wolfe:

As counsel of record for Plaintiffs-Appellees in the above-captioned appeal, I write to formally request a one-week adjournment of the oral argument on Defendant-Appellant's Motion for a Stay (Dkt # 72) and Plaintiffs-Appellees' Motion to Dismiss (Dkt #76-1), which is currently scheduled for October 22, 2013, at 10:00am. *See* Dkt # 130. Such adjournment is necessary because I will be traveling on the West Coast for other case-related matters the entire week of October 21-25.

Counsel for Plaintiffs-Appellees in the companion appeal of *Ligon v. City of New York*, 13-3123, which is scheduled to be argued on the same date and time, has informed me that he consents to the adjournment. Counsel for Defendant-Appellant have indicated that they oppose the one-week adjournment but that they would be willing to expedite the briefing schedule for their Stay Motion to file their reply brief on October 9 so that oral argument could be held October 15, 2013. However, filing the reply brief for the Motion to Dismiss by October 9, which would also be necessary in order to hold oral argument the week of October 15, would be unduly burdensome on Plaintiffs-Appellees because we have an opposition to two motions to intervene in the present case due in the District Court that same week. We also submit that a one-week adjournment of the oral argument date will not prejudice Defendant-Appellant, as there are no impending deadlines or events imposed by the District Court Remedial Order that it is seeking to stay. Moreover, Plaintiffs-Appellees note that Defendant Appellant did not even file its Motion for a Stay until September 23, 2013, more than five weeks after it commenced this appeal and exactly six weeks after the issuance of the District Court order it is now seeking to stay.

Accordingly, Plaintiffs-Appellees respectfully request that oral argument be adjourned to the week of October 28, 2013. Thank you for your time and consideration.

Respectfully submitted,

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Darius Charney

cc: All counsel (*via ECF*)

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