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

Re: Floyd v. City of New York, Dkt. No. 13-3088

Dear Ms. Wolfe:

Defendant-appellant City of New York respectfully submits this letter in response to Darius Charney's request, on behalf of plaintiffs-appellees in the above-referenced appeal, for a one-week adjournment of the argument date on the City's motion for a stay of the District Court's decision. Contrary to the impression given in Mr. Charney's letter, the City has moved expeditiously to stay the District Court's ruling. The City first asked the District Court for a stay on August 27, 2013, just two weeks after the court issued a 198-page decision that included novel theories of liability and a complex and wide-ranging outline of various forms of remedial relief. Although the City asked for expedited briefing on its request, the District Court allowed plaintiffs-appellees until September 6 to oppose the City's request for a stay, and the District Court did not decide the City's stay application until September 17. A few business days later, the City filed its motion for a stay in the Circuit. To simply state, as Mr. Charney does, that the City waited five weeks after commencing its appeal to request a stay in this Court, plainly does not give a complete and accurate picture of the sequence of events.

Furthermore, as the City has explained in its moving papers, the City is entitled to a stay, given the City's strong likelihood of success on the merits and the harm the City is suffering, as the chilling effects of the District Court's ruling are felt City-wide and the burdensome and ultimately unnecessary work of the monitor, the facilitator, and the panel of academic advisors the District Court has appointed gets underway. Under all of the circumstances, the City remains committed to moving its appeal and its request for a stay forward as quickly as possible.

Respectfully submitted,

/s/

Celeste L. Koeleveld
Executive Assistant for Public Safety

cc: Darius Charney, via ECF