

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT  
Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 13-3088 Caption [use short title] \_\_\_\_\_

Motion for: Vacate prior order or incorporate motion FLOYD

Set forth below precise, complete statement of relief sought: -against-

Vacate prior order (Dkt. # 157) referring CITY OF NEW YORK

Plaintiffs-Appellees' motion to dismiss to the merits  
panel or in the alternative incorporating motion to  
dismiss into their response to the stay motion.

MOVING PARTY: Floyd (Plaintiff/Appellee) OPPOSING PARTY: City of New York (Def./Appellant)

Plaintiff  Defendant  
 Appellant/Petitioner  Appellee/Respondent

MOVING ATTORNEY: \_\_\_\_\_ OPPOSING ATTORNEY: \_\_\_\_\_

[name of attorney, with firm, address, phone number and e-mail]  
Jenn Rolnick Borchetta Celeste Koeleveld  
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Court-Judge/Agency appealed from: United States District Court for the Southern District of NY (Scheidlin, D.J.)

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):  
 Yes  No (explain): \_\_\_\_\_

Opposing counsel's position on motion:  
 Unopposed  Opposed  Don't Know

Does opposing counsel intend to file a response:  
 Yes  No  Don't Know

Is oral argument on motion requested?  Yes  No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?  Yes  No If yes, enter date: \_\_\_\_\_

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has request for relief been made below?  Yes  No  
Has this relief been previously sought in this Court?  Yes  No  
Requested return date and explanation of emergency: \_\_\_\_\_

Signature of Moving Attorney: Jenn R. Borchetta Date: 10/15/2013 Service by:  CM/ECF  Other [Attach proof of service]

ORDER

IT IS HEREBY ORDERED THAT the motion is GRANTED DENIED.

FOR THE COURT:  
CATHERINE O'HAGAN WOLFE, Clerk of Court

Date: \_\_\_\_\_ By: \_\_\_\_\_