

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

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DAVID FLOYD, *et al.*,

Plaintiffs-Appellees,

-against-

THE CITY OF NEW YORK,

Defendants-Appellants.

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Docket No. 13-3088

**DECLARATION IN
OPPOSITION TO
MOTION TO EXPEDITE**

DARIUS CHARNEY, declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a senior staff attorney at the Center for Constitutional Rights, counsel for Plaintiffs-Appellees in the above-captioned appeal.

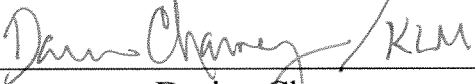
2. This declaration is submitted in opposition to Defendant-Appellant City of New York’s motion for an order, (1) granting an expedited briefing schedule, (2) granting expedited hearing and consideration of this appeal, and (3) directing that this appeal be heard in tandem with *Ligon v. City of New York*, Dkt No. 13-3123.

3. Plaintiffs-appellees oppose the request to expedite the briefing schedule and to expedite the hearing and consideration of this appeal.

4. Plaintiffs-Appellees request that they be allotted 91 days from the date on which Defendant-Appellant files its merits brief to file their answering brief.

5. For the reasons set forth in the accompanying memorandum of law, Defendant-Appellant's motion for an expedited briefing schedule and to expedite hearing and consideration of this appeal should be denied, and Plaintiffs should be afforded 91 days from the date on which Defendant-Appellant files its merits brief to file their answering brief.

Dated: New York, New York
September 17, 2013



Darius Charney