

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: Dismissal of appeal FLOYD

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

Dismissal of appeal for lack of jurisdiction; request CITY OF NEW YORK

that this motion be considered in tandem

with Appellant's motion for a stay pending appeal

(See Dkt. # 72)

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]

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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: _____

Signature of Moving Attorney: *Jenn Borchetta* Date: 9/24/2013 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: _____