

**SIEGEL TEITELBAUM & EVANS, LLP**

ATTORNEYS AT LAW  
260 MADISON AVENUE, 22ND FLOOR  
NEW YORK, NEW YORK 10016

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: February 11, 2021

TELEPHONE: (212) 455-0300  
FACSIMILE: (212) 448-0066

February 9, 2021

VIA ECF

The Honorable Victor Marrero  
United States District Judge  
Southern District of New York  
500 Pearl Street New York, NY 10007

Re: ***Coney Island Prep, et al. v. U.S. Department of Health & Human Services, et al.,  
No. 1:20 Civ. 9144 (VM)***

Dear Judge Marrero:

We represent Plaintiffs in this matter and write with Defendants' consent to request a 30-day extension of the deadline for Plaintiffs to amend their complaint and Defendants subsequently to respond.

On December 30, 2020, Defendants wrote a pre-motion letter to the court explaining that they intended to move to dismiss Plaintiffs' complaint. Dkt. 48. On January 6, 2021, Plaintiffs responded to that letter saying that they intended to amend the complaint, Dkt. 49, and on January 12, 2021, Plaintiffs wrote to the Court outlining the parties' proposed schedule: that Plaintiffs amend their complaint by February 17, 2021 and Defendants respond 30 days thereafter. Dkt. 50. The following day, the Court so-ordered the proposed schedule. Dkt. 51.

Since then, the parties have conferred further. Some of the obligations that Plaintiffs alleged were not performed by Defendants have since been performed. Others appear to be in progress. Plaintiffs expect that their amended complaint will focus on the remaining outstanding items, and the scope of the complaint may narrow further based on the priorities of the incoming leadership at the defendant agencies. The factual context for the complaint next week likely will be different from the context 30 days thereafter, when Defendants are due to respond. In addition, a key member of Plaintiffs' legal team has an unexpected medical issue and another key member is expecting a child in the coming days.

Therefore, Plaintiffs respectfully request that the current schedule be amended as follows:

1. Plaintiffs file their amended complaint no later than thirty days from February 17, 2021, or the date on which Your Honor so-orders this agreement, whichever comes later.
2. Defendants have thirty days from the filing of the amended complaint to respond, consistent with Your Honor's rules.

We respectfully ask Your Honor to so order the agreement above. Defendants consent to this request.

Respectfully,

/s/ Norman Siegel


Norman Siegel  
Herbert Teitelbaum  
Cary McClelland  
Goutam Jois  
SIEGEL TEITELBAUM & EVANS, LLP  
260 Madison Avenue, 22nd Floor  
New York, New York 10016  
(212) 455-0300

/s/ Kahlil C. Williams

Marjorie J. Peerce  
BALLARD SPAHR LLP  
1675 Broadway, 19th Floor  
New York NY 10019  
(646) 346-8039

Kahlil C. Williams  
Michael R. McDonald  
BALLARD SPAHR LLP  
1735 Market Street, 51st Floor  
Philadelphia PA 19103  
(215) 665-5000

cc: Counsel of Record (via ECF)

<b>Request GRANTED.</b>
Plaintiffs' amended complaint is hereby now due on March 17, 2021. Defendants' response will be due on April 17, 2021.
<b>SO ORDERED.</b>
February 11, 2021
<b>DATE</b>
 <b>VICTOR MARRERO, U.S.D.J.</b>