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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)

Your Honor:

We represent Plaintiffs in this matter to request a 60-day extension of the deadline for Plaintiffs to amend their complaint and Defendants subsequently to respond.

Plaintiffs' deadline to amend the complaint was extended once previously, on consent, *see* Dkt. 53, in light of then-recent developments, including new developments in Defendants' performance of certain duties. Since then, additional progress has indeed been made. Defendants wrote to Plaintiffs on Friday, March 12, listing eight reports that have been completed in recent months, including as recently as March 4, 2021, and five more that are close to completion. (Six others are still in progress.)

In light of the progress which has been made, and the stated intention to continue to produce the reports, we are hopeful that after 60 days much if not all of the relief to be sought in our amended complaint might be obtained without the need for further litigation. Moreover, based on the progress to date, if Plaintiffs were to amend their complaint by the current deadline, March 17, the factual context likely will be materially different by the time Defendants respond and even more so when the case moves forward. A 60-day extension would permit Defendants to continue with their progress and complete the obligations that are close to completion. This very well might allow for a potential negotiated resolution of the litigation.

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

1. Plaintiffs file their amended complaint no later than sixty days from March 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 schedule above. The parties conferred by telephone about this proposed schedule on March 12 at approximately 5 p.m., shortly after Defendants' email. Defendants represented that they had to discuss the proposal with their client. They have

not yet heard back, but Plaintiffs are submitting this letter now given the pending deadline. Plaintiffs will promptly notify the Court upon hearing back from Defendants.

Alternatively, if the Court is not inclined to grant a 60-day extension to allow for further potential progress on the duties at issue and possible resolution, Plaintiffs respectfully request a 14-day extension of the deadline to file an amended complaint in order to revise their amended Complaint in light of the information received last Friday.

Respectfully,

/s/ Norman Siegel

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