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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:

Plaintiffs, with Defendants' consent, write to request an additional 120-day extension of the deadlines for Plaintiffs to file an amended complaint and Defendants subsequently to respond. An amended complaint is currently due on September 17, 2021.

Plaintiffs' deadline to amend the complaint has been previously extended three times, *see* Dkt. 53, 56, and 58. The extensions have been prompted by Defendants' progress in completing certain reports which are the subject of the Complaint, and their representations that other reports are nearly complete, awaiting clearance for release, or otherwise in progress.

The parties have conferred telephonically twice during the intervening months and exchanged numerous emails, and Plaintiffs have focused their claims on a smaller number of outstanding duties, setting others aside. Now that the dispute has narrowed, there is greater potential for resolution of this litigation. This extension will importantly provide time for more reports to be issued and thus potentially amicably resolve this matter. As before, this extension may also allow the factual predicate to evolve and spare the Court addressing issues that may no longer be in dispute.

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

1. Plaintiffs file their amended complaint no later than 120 days from September 17, 2021.
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. Alternatively, if the Court does not grant such an extension, Plaintiffs respectfully request a 20-day extension of their amended complaint deadline, with Defendants' consent, in order that Plaintiffs may revise and update their pleading.

Respectfully,

/s/ Norman Siegel

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