

THE CITY OF NEW YORK  
LAW DEPARTMENT

MICHAEL A. CARDOZO  
Corporation Counsel

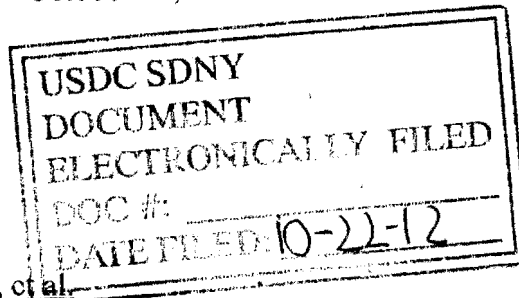
100 CHURCH STREET  
NEW YORK, NY 10007

SUZANNA PUBLICKER  
phone: (212) 788-1103  
fax: (212) 788-9776  
email: spublik@law.nyc.gov

October 19, 2012

**BY FAX**

Honorable Robert W. Sweet  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007



Re: Schoolcraft v. The City of New York, et al  
10-CV-6005 (RWS)

Your Honor:

I am the Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, assigned to represent the City of New York, the New York City Police Department ("NYPD"), and individual defendants Deputy Chief Michael Marino, Assistant Chief Patrol Borough Brooklyn North Gerald Nelson, Captain Theodore L auterborn, Sergeant Frederick Sawyer, Sergeant Kurt Duncan, Lieutenant Christopher Broschart, and Sergeant Shantel James (collectively "City Defendants") in the above-referenced matter. On Wednesday, October 17, 2012, the undersigned received an ECF bounce indicating that newly named defendant Elise Hanlon was served with process in this action on October 11, 2012, and accordingly, her response to the Second Amended Complaint is due November 1, 2012.<sup>1</sup> Without appearing on her behalf or making any representations with respect to service, this office respectfully requests that the Court *sua sponte* grant this defendant a 30-day enlargement of the time until December 3, 2012, to answer or otherwise respond to the complaint. Plaintiff's counsel, Jon Norinsberg, Esq., consents to this request.

A decision concerning this office's representation of defendant Hanlon has not yet been made, however, given the time involved in determining the representation of a police officer, and in the interest of judicial economy, we request that the court, *sua sponte*, extend the time for her to answer so that her defenses are not jeopardized while representational issues are being resolved. The undersigned submits that the requested enlargement should allow sufficient time for this office to determine, pursuant to Section 50-k of the New York General Municipal

<sup>1</sup> According to a review of the Civil Docket Sheet, Lieutenant William Gough, Sergeant Richard Wall, Sergeant Robert W. O'Hare, Sergeant Sondra Wilson, Lieutenant Thomas Hanley, and Captain Timothy Trainor have not yet been served with process, and are therefore not parties to this action.

*So order*  
*[Signature]*  
*10-19-12*

Honorable Robert W. Sweet  
Schoolcraft v. The City of New York, et al.  
October 19, 2012

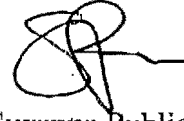
Page 2

Law, and based on a review of the facts of the case, whether we may represent Lieutenant Hanlon. See Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

Accordingly, this office respectfully requests that Your Honor *sua sponte* grant defendant Hanlon an enlargement of time until December 3, 2012, to answer or otherwise respond to the Second Amended Complaint.

I thank the Court for its consideration of this request.

Respectfully submitted,



Suzanna Publicker  
Assistant Corporation Counsel

cc: Jon L. Norinsberg (By Fax 212-406-6890)  
*Attorney for Plaintiff*  
225 Broadway, Suite 2700  
New York, New York 10007

Cohen & Fitch, LLP (By Fax 212-406-6890)  
*Attorneys for Plaintiff*  
233 Broadway, Suite 1800  
New York, New York 10279

Gregory John Radomisli (By Fax 212-949-7054)  
MARTIN CLEARWATER & BELL LLP  
*Attorneys for Jamaica Hospital Medical Center*  
220 East 42nd Street 13th floor  
New York, NY 10017

Brian Lee (By Fax 516-352-4952)  
IVONE, DEVINE & JENSEN, LLP  
*Attorneys for Dr. Isak Isakov*  
2001 Marcus Avenue, Suite N100  
Lake Success, New York 11042

Bruce M. Brady (By Fax 212-248-6815)  
CALLAN, KOSTER, BRADY & BRENNAN, LLP  
*Attorneys for Lillian Aldana-Bernier*  
1 Whitehall Street

Honorable Robert W. Sweet  
Schoolcraft v. The City of New York, et al.  
October 19, 2012  
Page 3

New York, New York 10004

Walter Aloysius Kretz, Jr. (By Fax 212-371-6883)  
SEIFF KRETZ & ABERCROMBIE  
*Attorney for Defendant Mauriello*  
444 Madison Avenue, 30th Floor  
New York, NY 10022