



1700 Seventh Ave, Suite 2100 | Seattle, WA 98101

March 31, 2022

VIA ECF

Hon. Katherine Polk Failla
U.S. District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *The Brooklyn Branch of the NAACP v. Peter S. Kosinski, et al.*, Case No. 1:21-cv-07667-KPF

Dear Judge Failla:

We write jointly on behalf of all parties in the above-captioned matter. Pursuant to the Court's January 25, 2022 Order (ECF No. 31), the Defendants in this action filed motions to dismiss on March 1, 2022 (ECF Nos. 32, 33). On March 22, 2022, Plaintiff the Brooklyn Branch of the NAACP filed an Amended Complaint as of right under Fed. R. Civ. P. 15(a)(1)(B) (ECF No. 38). Under the Court's January 25 scheduling order, Plaintiff's opposition to the pending motions to dismiss is due March 31, 2022 and Defendants' reply is due April 14, 2022.

The parties have conferred and agree that the subsequent filing of the Amended Complaint renders the pending motions to dismiss moot. Defendants have indicated that, unless the pre-motion letter requirement is dispensed by the Court, they intend to file a pre-motion letter requesting permission to file a motion to dismiss the Amended Complaint by April 5, 2022, within the time allowed by Fed. R. Civ. P. 15(a)(3). Accordingly, the parties write jointly to request that the Court order a briefing schedule for the Defendants' contemplated motions to dismiss the Amended Complaint. Subject to the Court's approval, the parties are in agreement that a pre-motion letter and conference is not necessary and should not be required. The parties propose the following briefing schedule:

- Motions to dismiss Amended Complaint due April 26, 2022;
- Opposition to motions to dismiss due May 24, 2022;
- Reply due June 7, 2022.

Respectfully submitted,

/s/ Abha Khanna
Abha Khanna
Counsel for Plaintiff

cc: All counsel of record (via ECF)