



## LAW DEPARTMENT

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COORD 94/338(212) 788-1010  
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December 6, 1994

Hon. Morris E. Lasker  
United States District Judge  
United States District Court  
Boston, Massachusetts 02109Re: Benjamin v. Malcolm  
75 Civ. 3023 (MEL) and  
consolidated cases

Dear Judge Lasker:

This letter is in response to that portion of the motion by the plaintiffs to amend the order of September 8, 1994. On November 17, this Court signed the Stipulation of Settlement which resolved Points I and III of Plaintiffs' Memorandum of Law dated October 11, 1994 and left open Point II which would amend the Order filed September 8, 1994 to provide that "all work plan deadlines remain in effect."

Pursuant to the terms of the November 17 Stipulation, paragraph 3 requires the defendants to identify a site and establish a timetable for the completion of a cook/chill production center by March 31, 1995. The plaintiffs in Point II would require that, when the City identifies the site, the City be required to conform to the 1992 work plan deadlines. Obviously the City believes it will not be able to conclude the construction of a facility by the time that had been contemplated in the 1992 Work Plan because the construction will be commenced much later than originally planned. However, there is no dispute with the plaintiffs that the plan developed based on the March 31 identification should be submitted to the Office of Compliance Consultants. If that office cannot resolve any disputes concerning a timetable, the City agrees with the plaintiffs that it will have to submit a motion pursuant to Rule 60 to modify the 1992 Work Plan.

I have consulted with John Boston, Esq. who agrees that the representations in this letter end any dispute raised in Point II.

Sincerely yours,

Leonard Koerner  
Chief Assistant Corporation Counsel

cc: John Boston, Esq.



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