

OFFICE OF THE MONITOR

*NUNEZ, ET AL. V. CITY OF NEW YORK, ET AL.*

Steve J. Martin  
Monitor

Anna E. Friedberg  
Deputy Monitor

1+1 646 895 6567 | [afriedberg@tillidgroup.com](mailto:afriedberg@tillidgroup.com)

September 19, 2024

**VIA ECF**

The Honorable Laura Taylor Swain  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10006

*Re: Nunez, et al. v. City of New York, et al., 11-cv-5845 (LTS) (JCF)*

Dear Chief Judge Swain,

We write to provide the Court with a proposed agenda of speakers, specifying the speaking order and allotted time for the oral argument scheduled for **September 25, 2024, at 2:30 p.m.** in courtroom 17C. The Monitoring Team has facilitated discussion among the Parties and their respective positions are outlined below.

**Position of Counsel for the Plaintiff Class and Counsel for the Southern District of New**

**York**: Jeffrey Powell, for the United States, and Kayla Simpson, for the Plaintiff Class, will speak collectively for 30 minutes in support of Plaintiffs' motion. Mr. Powell will speak first. They will collectively reserve 10 minutes for rebuttal. The typical practice of opening, opposition, and rebuttal should be followed here as it provides the party with the burden of proof the opportunity to respond to any points raised in opposition. For that reason, we think the City's request for a sur-rebuttal is unfounded.

**Position of Counsel for the Defendants:** Alan Scheiner of the NYC Law Department will speak for up to 35 minutes in support of defendants' opposition to the motion. Defendants wish to reserve the right to request permission of the Court to briefly address specific issues in response to any rebuttal by plaintiffs, if necessary. Plaintiffs object to this request. Should the Court not allow defendants to reserve the right to make a request for rebuttal, then defendants may use the full 40 minutes of their time.

We appreciate the Court's attention to this matter.

Sincerely,

s/ Steve J. Martin

Steve J. Martin, *Monitor*

Anna E. Friedberg, *Deputy Monitor*