

Case 1:96-cv-06161-GBD-JCF Document 287 Filed 11/09/18 Page 1 of 2



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

ZACHARY W. CARTER
Corporation Counsel

JANICE BIRNBAUM
Phone: (212) 356-2085
Fax: (212) 356-2439
E-mail: jbirnbau@law.nyc.gov

November 9, 2018

By ECF

Hon. George B. Daniels, U.S.D.J.
United States District Court
500 Pearl Street
New York, N.Y. 10007

SO ORDERED:

George B. Daniels
George B. Daniels, U.S.D.J.

NOV 13 2018

Dated: _____

Re: Handberry v. Thompson; 96 Civ. 6161 (GBD)
City Defendants' Withdrawal of their Motion for Partial
Termination and Request to Respond to Plaintiffs' Objections
to the Second and Third Special Master Reports

Dear Judge Daniels:

I am an Assistant Corporation Counsel assigned to defend *Handberry v. Thompson*, the above-referenced class action, originally filed in 1996, asserted against, *inter alia*, the New York City Department of Education ("DOE") and the City of New York ("City") on behalf of its mayoral agency, the New York City Department of Correction ("DOC"; collectively "City Defendants").

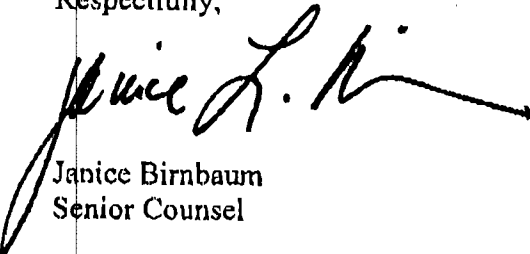
I write to advise the Court that the City Defendants are withdrawing their motion for partial termination filed on September 28, 2018 (Docket No. 271, 272 and 273). Withdrawal has the effect of lifting the stay (albeit now postponed) of the current order of prospective relief entered on March 31, 2016 (Docket No. 250). Thus that order is fully operative.

I also request permission to respond to plaintiffs' objections to Dr. Leone's Second and Third Reports (Docket No. 284), and that the Court set November 30, 2018, as the date for submission of that response. I make this request so that the Court can have the benefit of the positions of all parties in regard to plaintiffs' objections. I am asking for three weeks for the response because I am on vacation during Thanksgiving week and I need the remaining two weeks to fully think through the issues, confer with my clients, and prepare thoughtful and appropriate comments. Plaintiffs consent to this request. This is the first time that City Defendants have made this request. Granting this request does not affect any currently scheduled dates.

Case 1:96-cv-06161-GBD-JCF Document 287 Filed 11/09/18 Page 2 of 2

I thank the Court for its assistance in this matter and request that it approve City Defendants' request.

Respectfully,

A handwritten signature in black ink, appearing to read "Janice L. Birnbaum", with a long horizontal flourish extending to the right.

Janice Birnbaum
Senior Counsel