



**U.S. Department of Justice**  
Civil Division, Federal Programs Branch

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October 25, 2019

Hon. George B. Daniels  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1310  
New York, NY 10007

Re: Request for Extension of Time to Respond to Complaint (*State of New York, et al. v. United States Department of Homeland Security, et al.*, No. 19-cv-7777)

Dear Judge Daniels,

I represent Defendants in the above-captioned matter. Defendants' response to Plaintiffs' complaint is currently due on October 28, 2019, and Defendants respectfully seek an extension of that deadline until December 9, 2019. I have conferred with Plaintiffs' counsel about the relief sought herein who stated that Plaintiffs will oppose the request.

Good cause supports the requested extension. The parties have agreed that Defendants will produce the administrative record in this case on November 25, 2019, and, if the Court grants the requested extension, Defendants intend to file a Motion to Dismiss the Complaint or, in the Alternative, for Summary Judgment on December 9, 2019. This schedule will allow Defendants two weeks after the administrative record is ready to prepare their dispositive motion. Defendants submit that their proposed schedule is reasonable, particularly given the fact that the administrative record is expected to be voluminous and considering the number and complexity of the issues in this case.

If the Court denies this request, in the alternative Defendants respectfully request the Court to extend the deadline until ten days from the date of the Court's order so that Defendants may prepare an answer instead of a dispositive motion. Additional time is necessary to prepare the answer because Defendants' counsel have been especially busy since this case was filed responding to the preliminary injunction motions filed in this and seven other similar cases in courts around the country, leaving insufficient time to prepare an answer.

For these reasons, Defendants respectfully request the Court order the relief sought herein.

Respectfully submitted,

/s/  
Joshua M. Kolsky

CC: All Counsel of record via ECF.