



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street
New York, New York 10007*

November 5, 2020

By ECF

The Honorable Victor Marrero
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Coney Island Prep, et al. v. U.S. Department of Health & Human Services, et al.*,
20 Civ. 9144 (VM)

Dear Judge Marrero:

This Office represents the defendants (collectively, the “Government”) in the above-captioned Administrative Procedure Act case challenging the Government’s implementation of various public health statutes in which the plaintiffs filed a motion for a preliminary injunction (the “PI”). *See* Dkt. No. 6. On November 2, 2020, the Court ordered the Government to file its response to the PI by 5:00 p.m. on November 9, 2020, and the plaintiffs to file their reply by 5:00 p.m. on November 16, 2020. Dkt. No. 19. The Court also scheduled a hearing on the PI for November 23, 2020, at 9:00 a.m. *Id.*

We write respectfully to request a short extension of the briefing deadlines and a short adjournment of the hearing on the PI to allow the Government additional time to gather the information necessary to respond to the PI, which requires coordination with multiple components within the U.S. Department of Health and Human Services, including several that are heavily involved in the Government’s response to COVID-19. Specifically, the Government requests that its response to the PI be due by November 16, 2020; that the plaintiffs’ reply be due by November 24, 2020; and that the PI hearing be adjourned to 9:00 a.m. on December 2, 2020, or to a time convenient for the Court on December 2, 3, or 4.¹ This is the Government’s first request for an extension of these deadlines and the plaintiffs do not object to this request.

We thank the Court for its consideration of this request.

¹ This request is also made because counsel for the Government will be on leave and traveling from November 23 until November 30.

Respectfully submitted,
AUDREY STRAUSS
Acting United States Attorney

By: /s/ Jennifer Jude
JENNIFER JUDE
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, NY 10007
Telephone: (212) 637-2663
Email: jennifer.jude@usdoj.gov

cc (by ECF): Counsel of Record