



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF STATE COUNSEL
LITIGATION BUREAU

June 11, 2019

Writer's Direct Dial: (212) 416-8108

By ECF and first-class mail

The Honorable Ronnie Abrams
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Asensio v. Judge DiFiore, et al.*, No. 1:18-cv-10933-RA

Dear Judge Abrams:

This Office represents the State defendants—Chief Judge Janet DiFiore, Solicitor General Barbara D. Underwood, Governor Andrew M. Cuomo, and Judge Adetokunbo O. Fasanya—in the above-referenced action. In accordance with Section 1.D. of Your Honor's Individual Rules & Practices in Civil Cases, we write to respectfully request a one-week extension of time to submit reply papers in response to Plaintiff Manuel Asensio's opposition to the State defendants' motion to dismiss.

On February 14, 2019, our Office and co-defendant Emilie Marie Bosak separately moved to dismiss Plaintiff's complaint on several dispositive grounds. (ECF Nos. 44–48.) Between March and May 2019, Asensio submitted four separate requests for additional time to oppose the defendants' motions, which the Court granted. (ECF Nos. 51–52, 54, 56, 57–59, 72.) In mid-May, Asensio submitted various memoranda and affidavits in opposition to the defendants' motions. (ECF Nos. 61–75, 78, 80.) Under the briefing schedule set by the Court, the defendants' reply is currently due tomorrow, June 12. (ECF No. 88.) We respectfully request a one-week extension of time, to June 19, 2019, to submit our reply. Because of unexpected developments in my other cases requiring my immediate attention, and to provide our clients with sufficient time to review the reply before its submission, a one-week extension of time is needed to prepare and finalize our reply. This is the State defendants' second request for an extension of this deadline. The requested extension will not affect any other scheduled dates in this action.

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Asensio has made clear that he does not consent to any extension requests by the defendants on account of the nature of the conduct alleged in the complaint.

For the reasons set forth above, we respectfully seek a one-week extension of time, to June 19, 2019, to submit reply papers.

Respectfully submitted,

/s/ _____
Jonathan D. Conley
Assistant Attorney General

cc: Manuel Asensio (*by first-class mail*)
Emilie Bosak (*by first-class mail*)