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August 7, 2015

Honorable Robert W. Sweet
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Schoolcraft v. The City Of New York, et al

Doc. 471

*Schoolcraft v. The City of New York, et al.,
10-cv-6005 (RWS)*

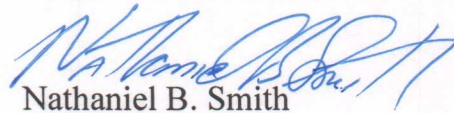
Dear Judge Sweet:

I write to the Court as one of the plaintiff's counsel to respond to the motion to strike the plaintiff's reply on the plaintiff's reconsideration motion. The City Defendants have moved to strike the reply on the ground that the reply was served and filed one day late. The motion should be denied.

Shortly before the reply papers on the various reconsideration motions were due, counsel for the City requested a one-day adjournment, which I consented to. As a result I changed the due date one day on my calendar. Soon thereafter, the parties all later consented to a one-week adjournment of the date by which all reply papers would be due. As a result, I then changed the date on my calendar one week from the new date, not from the original date. Apparently the other parties had in mind an extension of one week from the original date, which was not my understanding. This explains why I filed the plaintiff's reply papers one day later than the other parties. There was no nefarious reason whatsoever.

Since the one-day delay caused no party any harm and the mistake by me was not intentional, I respectfully request that the Court deny the motion. While the City Defendants contend that I reaped some "advantage" by the delay by being able to revise and craft my reply in the light of their reply, the assertion is incorrect because I did not craft (or even read) the City Defendants' reply before filing the plaintiff's reply.

Respectfully submitted,


Nathaniel B. Smith

By telecopy
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cc: all counsel