

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FOUNDATION AGAINST INTOLERANCE
& RACISM, INC. and BENJAMIN
STEWART,

Plaintiffs,

-v.-

NEW YORK CITY DEPARTMENT OF
HEALTH AND MENTAL HYGIENE, DAVE
A. CHOKSHI, *as Commissioner of the
New York City Department of Health and
Mental Hygiene*, and MARY T. BASSETT,
individually,

Defendants.

22 Civ. 528 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

The Court is in receipt of Defendants' letters filed May 20, 2022, seeking to stay this case pending the resolution of the expedited appeals of *Roberts v. Bassett*, Case 22-622 (2d Cir., filed Mar. 24, 2022) and *Jacobson v. Bassett*, Case 22-692 (2d Cir., filed Apr. 1, 2022), or alternatively, leave to file a motion to dismiss (Dkt. #53-54); as well as Plaintiffs' letters in response, filed on May 25, 2022 (Dkt. #55-56). For largely the reasons stated in Defendants' letters, this matter is hereby STAYED pending further order of the Court. The parties are further ORDERED to advise the Court within 14 days of issuance by the Second Circuit of any opinion or order resolving either or both of the above-listed appeals.

The Court defers rendering to a later date its decision as to whether to grant Defendants leave to file their contemplated motions to dismiss.

SO ORDERED.

Dated: June 1, 2022
New York, New York

A handwritten signature in blue ink that reads "Katherine Polk Faila". The signature is written in a cursive style with a distinct loop at the end of the last name.

KATHERINE POLK FAILLA
United States District Judge