

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 22-622

Caption [use short title]

Motion for: 14-day extension of the deadline to file briefs on behalf of both appellees

Set forth below precise, complete statement of relief sought: For the reasons set forth in the accompanying affirmation, the City appellee--with the consent of the State appellee-- request that the deadline for both appellees to file their briefs be extended by 14 days to June 30, 2022.

Roberts v. Bassett

MOVING PARTY: New York City Dep't of Health

OPPOSING PARTY: Roberts and Vavruska

- Plaintiff Defendant Appellant/Petitioner Appellee/Respondent

MOVING ATTORNEY: Diana Lawless

OPPOSING ATTORNEY: Wencong Fa

[name of attorney, with firm, address, phone number and e-mail] New York City Law Department 100 Church Street, New York, NY 10007 212 356-0848/dlawless@law.nyc.gov

Pacific Legal Foundation 555 Capitol Mall, Suite 1290 916 419-7111/wfa@pacificlegal.org

Court- Judge/ Agency appealed from: EDNY-Garaufis

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1): Yes No (explain):

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has this request for relief been made below? Has this relief been previously sought in this court? Requested return date and explanation of emergency:

Opposing counsel's position on motion: Unopposed Opposed Don't Know Does opposing counsel intend to file a response: Yes No Don't Know

Is oral argument on motion requested? Yes No (requests for oral argument will not necessarily be granted) Has argument date of appeal been set? Yes No If yes, enter date:

Signature of Moving Attorney:

/s/Diana Lawless Date: June 8, 2022 Service by: CM/ECF Other [Attach proof of service]

22-196

United States Court of Appeals
for the Second Circuit

JONATHAN ROBERTS and CHARLES VAVRUSKA,

Plaintiffs-Appellants,

against

MARY T. BASSETT, in her official capacity as
COMMISSIONER, NEW YORK STATE DEPARTMENT OF
HEALTH, and DEPARTMENT OF HEALTH AND MENTAL
HYGIENE OF THE CITY OF NEW YORK,

Defendants-Appellees.

On Appeal from the United States District Court
for the Eastern District of New York

**AFFIRMATION OF DIANA LAWLESS
IN SUPPORT OF EXTENSION REQUEST**

DIANA LAWLESS, an attorney admitted to practice in this
Court, affirms under the penalties of perjury as follows:

1. I am an Assistant Corporation Counsel to Hon. Sylvia O.
Hinds-Radix, Corporation Counsel of the City of New York.

2. This Court placed this appeal on the Expedited Calendar.
3. I respectfully request a two week extension (to June 30, 2022) for appellees to file and serve their briefs in this appeal.
4. I have communicated with Andrea Trento of the New York State Attorney General's Office, who is the assigned attorney for the State appellee. He consents to the relief, which also includes an extension for his brief.
5. I have communicated with appellants' counsel Wencong Fa. He opposes but I do not know if he will be filing a written response.
6. I request this two-week extension based on several factors. Foremost, I have not been able to complete the brief for filing since appellants filed their brief on May 12 because of other work that could not be rescheduled, including oral arguments in state court on May 16 and June 7. In addition, I had a prescheduled vacation in late May. The constitutional legal issues are also somewhat complex and other attorneys in my office will have to review the draft.

7. There will be no prejudice to maintaining this case on the Expedited Calendar because of the Court's summer break from hearing oral arguments.

Dated: New York, New York
June 8, 2022

s/ Diana Lawless
DIANA LAWLESS