

NYSCEF DOC. NO. 146

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November 1, 2024

Hon. Maria S. Vazquez-Doles
New York Supreme Court, Orange County
285 Main Street
Goshen, New York 10924

Re: *Oral Clarke, et al. v. Town of Newburgh, et al.* (Index No. EF002460-2024; Orange Cnty.)

Dear Justice Vazquez-Doles,

Pursuant to the Court's November 1, 2024 Order, Defendants understand that this Court intends to reschedule trial in this matter "in the Summary Judgment decision and order if it is unfruitful." NYSCEF Doc. No. 145 at 1. To avoid undue prejudice, Defendants nevertheless submit this letter in response to Plaintiffs' November 1, 2024 letter, in which they request that trial be rescheduled for December 2–4, 2024. NYSCEF Doc. No. 144. This request is unreasonable because, as Plaintiffs have long known and as Defendants reiterated in their letter to the Court this morning, counsel for Defendants will be in trial before the Hon. Paul I. Marx from December 9 to December 20, and will be attending mandatory pretrial conferences before His Honor on December 4 and 5. On December 2 and 3, Defendants' counsel will be preparing for that pretrial conference and the two-week trial commencing the following Monday. Accordingly, it is simply not practicable for Defendants' counsel to attend trial in this matter on the dates Plaintiffs propose.

For this reason, Defendants respectfully request that trial be rescheduled to January 2025, subject to the Court's convenience.

Respectfully submitted,

/s/ Bennet J. Moskowitz

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