



July 24, 2024

The Hon. Diane Gujarati
U.S. District Judge
225 Cadman Plaza East
Brooklyn, NY 11201

Via ECF

Re: *Alexander v. Sutton*, No. 1:22-cv-2224-DG-JRC

Dear Judge Gujarati:

Plaintiffs are unaware of any deadline controlling Defendants' ability to respond to Plaintiffs' notice regarding recent developments, Dkt. 55, and in any event, do not begrudge Defendants' filing of any such response. Their letter motion seeking an extension, Dkt. 56, appears unnecessary.

Plaintiffs are, however, constrained to note that there is nothing "suspicious and significant" about the fact that Ms. Doll is on vacation.

Plaintiffs are suffering ongoing irreparable harm in the violation of their fundamental First Amendment rights. Their preliminary injunction motion is pending. The Court has expressed interest in the availability of administrative relief and the prospects for settlement. Plaintiffs reasonably believe that the Court would want to know what is going on with the administrative appeal (potentially frustrated by Defendants) and petition for a stay (denied), with the settlement conference (suddenly up in the air), and with Defendants' efforts to fill Maron's seat (proceeding).

It is unclear why Plaintiffs should refrain from advising this Court of important developments related to their pending preliminary injunction motion for however long one of Defendants' three counsel is on vacation. Indeed, Ms. Doll invited Plaintiffs to send her settlement demands during her vacation and stated that she would be available to work on the joint status report. *See* Exh. R. And Ms. Doll returns from vacation later this week. *Id.*

If anything is "suspicious," it is that rather than engage in settlement efforts, Defendants' counsel waited two weeks to announce that the scheduled settlement conference could not take place, and then she left town the next day for another two weeks—all without seeking an extension or even explaining why. The vacation hasn't slowed down Chancellor Banks's efforts to fill Maron's seat. Nor did the vacation stop Mr. Dantowitz or Ms. Belina Anderson—both of whom have already appeared for Defendants in this matter—from trying to advance a resolution of this matter. But they haven't.

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Counsel would never seek to interfere with someone's vacation. We have not filed any motions, urgent or not, during Ms. Doll's absence. And had some emergency occurred, Mr. Dantowitz or Ms. Anderson could have covered the matter. But vacation or not, we do remain obligated to represent our clients' interests, and to apprise the Court of important developments relating to their pending preliminary injunction motion.

Plaintiffs have no position as to when Defendants would reply to their July 23 notice regarding the preliminary injunction. Plaintiffs only urge that the motion be decided.

Sincerely

/s/ Alan Gura

Alan Gura

Counsel for Plaintiffs

cc: All counsel via ECF