

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-and-

MEMORANDUM & ORDER

07-CV-2067 (NGG) (RLM)

THE VULCAN SOCIETY, INC., *for itself and on behalf of its members*, JAMEL NICHOLSON, and RUSEBELL WILSON, *individually and on behalf of a subclass of all other victims similarly situated seeking classwide injunctive relief*;

ROGER GREGG, MARCUS HAYWOOD, and KEVIN WALKER, *individually and on behalf of a subclass of all other non-hire victims similarly situated*; and

CANDIDO NUÑEZ and KEVIN SIMPKINS, *individually and on behalf of a subclass of all other delayed-hire victims similarly situated*,

Plaintiff-Intervenors,

-against-

THE CITY OF NEW YORK,

Defendant.

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NICHOLAS G. GARAUFIS, United States District Judge.

The court is in receipt of a letter from Keith M. Sullivan, claiming to represent Sergeant Dakota Meyer, who is not a party to this case. (See Attachment.) Mr. Sullivan asks the court to extend the filing period for Exam 2000. This request should be directed to the City of New York. The court's role with regard to the New York City Fire Department is limited to ensuring that the City does not violate the Fourteenth Amendment of the United States Constitution, Title VII of the Civil Rights Act, and other applicable civil rights provisions of Federal, State, and

City law. If the City desires to extend the filing period for Exam 2000 for the general public, and it believes that extending the filing period is consistent with the court's prior orders in this case and with the City's obligations under Federal, State, and City law, then the City may so move to the court in writing. Any such motion from the City should include a detailed explanation as to how the City would intend to inform the public of any extension of the filing period.

SO ORDERED.

Dated: Brooklyn, New York
September ~~21~~²⁶, 2011

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS
United States District Judge

KEITH M. SULLIVAN, ESQ.

JAMES J. GALLESCHAW, ESQ

SULLIVAN & GALLESCHAW, LLP
ATTORNEYS AT LAW

108-15 Cross Bay Boulevard, Queens, NY 11417 t (718) 843-0300 f (718) 228-7010

September 24, 2011

Via ECF Filing & Facsimile

Honorable Nicholas G. Garaufis
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: USA v. City of New York
Civ. Action No.: 07-cv-2067 (NGG) (RLM)

Dear Judge Garaufis,

This office represents Merit Matters, an organization founded by current FDNY Deputy Chief Paul D. Mannix. Merit Matters is an advocacy group dedicated to preserving merit in the FDNY testing, hiring and promotional process.

As you are aware, the filing deadline to submit an application for Firefighter Exam No. 2000 was midnight on September 19, 2011. As per case document #731-1, that deadline was extended from the original deadline of midnight on September 15th to allow for further recruitment at the African-American Day Parade as well as other unspecified events.

This past Friday evening, it came to the attention of Merit Matters that the most recent recipient of the nation's highest military decoration, The Medal of Honor, US Marine Sgt. Dakota Meyer, was unable to submit his application as he was 12-hours past the midnight deadline. During the final days of the application submission period, Dakota Meyer was compelled to fulfill responsibilities for the Department of Defense in attending numerous daily functions and events in Washington, DC and New York City. Currently, these commitments continue in Los Angeles. My office has agreed to represent Sgt. Meyer and Merit Matters pro-bono in an effort to assist in fulfilling Sgt. Meyer's goal to sit for Firefighter Exam No. 2000.

By way of background, please allow me to briefly elaborate on who Dakota Meyer is. On September 8, 2009, a patrol of Afghan forces and their American trainers were on foot making their way up a narrow valley, heading into a village to meet with its elders. Suddenly, all over the village the lights went out. The sky was then lit up by enemy fire raining down on the Afghan and US forces as explosions filled the valley. Dakota Meyer, who was then a 21-year

old Corporal was a mile away and could hear the ambush over the radio. Taliban fighters were unleashing a firestorm from the hills, from the stone houses, even from the local school. Helicopter access was impossible because of the heavy opposition forces. The Afghan and US soldiers were quickly pinned down, taking on fire from all angles. Men were being wounded and killed, and four Americans were soon classified as "missing" because no one had radio or visual contact with them. Four times Dakota Meyer asked permission to go in and attempt to rescue the pinned down soldiers who would all but certainly be killed. Four times he was denied. It was too dangerous and there was not much that could be done to outmatch the enemy forces. Dakota asked a fellow soldier to accompany him into the killing zone of the valley. Dakota climbed into a Humvee and manned the gun with his upper body and head exposed to a fire from AK-47s, machine guns, mortars and rocket-propelled grenades.

Ultimately, Dakota made five trips into the fierce and deadly battle. Each time, he exited the partial safety of the Humvee to continue his mission on foot and risked sacrificing himself in the open Valley. In total he saved 36 lives and recovered the bodies of 4 killed US soldiers. Dakota was quoted as saying, "I didn't think I was going to die. I knew I was." It was his brave perseverance and selfless dedication to his Country and fellowman along with his calm and calculated execution in the moments of chaos and death that earned Dakota Meyer the highest military honor.

It is beyond cavil, that Sgt. Dakota Meyer demonstrated an extraordinary degree of commitment and service to this Country. It is his exemplary leadership and outstanding character that The City of New York should relish in a firefighter candidate.

I am asking this Honorable Court to grant an extended filing period for Firefighter Exam No. 2000 until midnight September 30, 2011. I am not seeking an 'exception' for Sgt. Dakota Meyer. Rather, I am requesting that it be a full extension open to any individual who would like to avail themselves of the extension period by filing an application.

Further, via this correspondence, I hereby ask that all of the litigants in this action join in supporting this request.

I thank you for your time and attention to this very important matter. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Keith M. Sullivan (1660)