

## **U.S. Department of Justice**

Civil Division 950 Pennsylvania Avenue, N.W. Washington, D.C. 20530

September 13, 2017

## By ECF

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

Re: Batalla Vidal, et al., v. Baran, et al.,

CV-16-4756 (Garaufis, J.) (Orenstein, M.J.)

## Dear Judge Garaufis:

Defendants are in receipt of Plaintiffs' September 11, 2017 letter identifying the claims Plaintiffs wish to assert in a second amended complaint, the interests of additional parties Plaintiffs wish to add as plaintiffs, and the additional parties Plaintiffs wish to name as defendants. ECF No. 52. Although Defendants do not agree with the proposed additional allegations, Defendants will not oppose Plaintiffs' proposed motion to file a second amended complaint, recognizing that courts freely give leave to amend pursuant to Federal Rule of Civil Procedure 15(a)(2). Instead, Defendants will seek leave to dismiss the proposed second amended complaint pursuant to Federal Rule of Civil Procedure 12. At the September 14, 2017 conference, Defendants will be prepared to request a briefing schedule for the government's anticipated dispositive motion.

Respectfully submitted,

BRIDGET M. ROHDE Acting United States Attorney

JOSEPH A. MARUTOLLO Assistant United States Attorney United States Attorney's Office Eastern District of New York 271-A Cadman Plaza East, 7th Floor

Brooklyn, NY 11201 Tel.: (718) 254-6288 Fax: (718) 254-7489

Email: joseph.marutollo@usdoj.gov

CHAD A. READLER
Acting Assistant Attorney General

BRETT A. SHUMATE Deputy Assistant Attorney General

JOHN R. TYLER Assistant Branch Director

/s/ Brad P. Rosenberg
BRAD P. ROSENBERG
(D.C. Bar No. 467513)
Senior Trial Counsel
U.S. Department of Justice

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Civil Division, Federal Programs Branch 20 Massachusetts Avenue, N.W. Washington, D.C. 20530 Tel.: (202) 514-3374

Fax: (202) 616-8460

Email: brad.rosenberg@usdoj.gov

Counsel for Defendants