

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): _____ Caption [use short title] _____

Motion for: _____

Set forth below precise, complete statement of relief sought:

MOVING PARTY: _____

- Plaintiff
- Appellant/Petitioner
- Defendant
- Appellee/Respondent

OPPOSING PARTY: _____

MOVING ATTORNEY: _____

[name of attorney, with firm, address, phone number and e-mail]

OPPOSING ATTORNEY: _____

Court-Judge/Agency appealed from: _____

Please check appropriate boxes:

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

Opposing counsel's position on motion:
 Unopposed Opposed Don't Know

Does opposing counsel intend to file a response:
 Yes No Don't Know

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

Has request for relief been made below? Yes No

Has this relief been previously sought in this Court? Yes No

Requested return date and explanation of emergency: _____

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: _____ Date: _____

Service by: CM/ECF Other [Attach proof of service]

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

----- X

DAVID FLOYD, *et al.*,

Plaintiffs-Appellees,

-against-

THE CITY OF NEW YORK,
Defendant-Appellant

----- X

Docket No. 13-3088

JAENEAN LIGON, *et al.*,

Plaintiffs-Appellees,

-against-

THE CITY OF NEW YORK, *et al.*,

Defendants-Appellants

----- X

Docket No. 13-3123

**DECLARATION IN
SUPPORT OF MOTION
FOR LIMITED REMAND
TO THE DISTRICT COURT
FOR THE PURPOSE OF
EXPLORING A
RESOLUTION**

JEFFREY D. FRIEDLANDER, declares under penalty of perjury,
pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am the Acting Corporation Counsel of the City of New York,
attorney for defendants-appellants the City of New York, et al. (the "City") in the
above-captioned cases. I make this declaration upon information and belief based
on conversations with attorneys who are involved in these proceedings and review
of relevant court documents.

2. This declaration is submitted in support of the City's motion for a limited remand of the above-captioned cases to the District Court for the purpose of exploring a full resolution of the cases.

3. In its Order of November 25, 2013, *Floyd v. City of New York*, 13-3088, Dkt # 338, *Ligon v. City of New York*, 13-3123, Dkt # 242, this Court held in abeyance the plaintiffs-appellees' motions for en banc consideration of this Court's October 31, 2013 decision, the District Court's FRAP 29 motions, and the police unions' motions to intervene in the above-captioned cases "to maintain and facilitate the possibility that the parties might request the opportunity to return to the District Court for the purpose of exploring a resolution." *Floyd*, Dkt # 338 at 2; *Ligon*, Dkt # 242 at 2.

4. Acting in accordance with this Court's order of November 25, 2013, the City now seeks the opportunity to return to the District Court to explore resolution of the above-captioned cases with the plaintiffs-appellees.

5. Accordingly, the City respectfully requests that the Court remand each of the above-captioned cases to the District Court for 45 days to permit the parties to explore a resolution.

6. In addition, the City respectfully requests that all motions currently pending before this Court in the above-captioned cases, as well as the merits

briefing schedule set by this Court on October 31, 2013, be held in abeyance pending the outcome of the remanded proceedings in the District Court.

7. Plaintiffs-appellees in both cases, through their counsel, consent to the relief requested herein.¹

Dated: New York, New York
January 30, 2014


JEFFREY D. FRIEDLANDER

¹ In making this motion, the City has not sought the position of proposed intervenors, who have not been granted party status by this Court.