ACLU

AMERICAN CIVIL LIBERTIES UNION

July 5, 2013

BY ECF

Honorable Joan M. Azrack United States Magistrate Judge United States District Court for the Eastern District of New York 225 Cadman Plaza East Brooklyn, NY 11201

Re:

Raza et al. v. City of New York et al. Case No. 13-cv-03448-PKC-JMA

Dear Judge Azrack:

On behalf of Plaintiffs, who are Muslim New Yorkers subjected to unlawful and ongoing New York City Police Department surveillance on the basis of their religion and without any evidence of wrongdoing, we write briefly to explain why we object to Defendants' request for a 60-day extension of time to answer or respond to the complaint in this action. *See* Letter from Peter G. Farrell, Esq., Counsel for Defendants (July 5, 2013) (ECF No. 8).

Of course, we wish to extend professional courtesy to Defendants' counsel throughout the course of this litigation. In response to Defendants' request for our position on an extension, we stated that in order to ensure that the case moves forward, our preference would be for a 30-day extension of time, but we would consent to a 45-day extension to accommodate Defendants' scheduling concerns. Defendants' counsel, however, has continued to insist on two additional months to respond to the complaint, to which we are unable to consent.

The extension sought by Defendants would add 60 days to the 21 days already provided for an answer or response under Fed. R. Civ. P. 12(a)—which would amount to a total of more than eleven weeks. Especially in light of the ongoing religious profiling and discriminatory police surveillance directed at Plaintiffs, that represents an excessive delay. Plaintiffs bring claims for serious constitutional violations, which subject Plaintiffs to unwarranted police scrutiny and burden their everyday religious practice. Defendants' public statements indicate that this intrusive surveillance program continues to this day. See Ryan Devereaux, Fresh Questions for NYPD as

AMERICAN CIVIL LIBERTIES UNION FOUNDATION

NATIONAL OFFICE 125 BROAD STREET, 18TH FL, NEW YORK, NY 10004-2400 T/212.549.2500 WWW.ACLU.ORG

OFFICERS AND DIRECTORS SUSAN N. HERMAN PRESIDENT

ANTHONY D. ROMERO EXECUTIVE DIRECTOR

CIA Collaboration Revealed in New Report, Guardian, June 27, 2013, http://bit.ly/10o7NZD. Given these considerations, an additional six weeks is surely sufficient for the Defendants to respond to Plaintiffs' complaint.

For the foregoing reasons, Plaintiffs respectfully request that the Court grant Defendants no more than 45 additional days to answer or respond to the complaint in this matter.

AMERICAN CIVIL LIBERTIES UNION FOUNDATION

Ramzi Kassem
Diala Shamas
CLEAR project
Main Street Legal Services, Inc.
CUNY School of Law
2 Court Square
Long Island City, NY 11101
Phone: (718) 340-4558
Fax: (718) 340-4478

ramzi.kassem@law.cuny.edu

Respectfully submitted,

Nusrat J. Choudhury

Nusrat J. Choudhury
Patrick Toomey

American Civil Liberties Union

Foundation

125 Broad Street, 18th Floor

New York, NY 10004

Phone: (212) 549-2500

Fax: (212) 549-2654

hshamsi@aclu.org

Arthur N. Eisenberg
Mariko Hirose
New York Civil Liberties Union
Foundation
125 Broad Street, 19th Floor
New York, NY 10004

Phone: (212) 607-3300 Fax: (212) 607-3318 aeisenberg@nyclu.org

Counsel for Plaintiffs

Cc by ECF: Peter G. Farrell, Esq.