



U.S. Department of Justice

United States
Southern District

86 Chambers Street
New York, New York

November 23, 2020

<p>USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <input type="text" value="November 23, 2020"/></p>

VIA ECF

Hon. Victor Marrero, United States District Judge
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: *Jones et al. v. United States Postal Service et al.*, No. 20 Civ. 6516 (VM)

Dear Judge Marrero:

This Office represents the defendants in the above-referenced case. We write respectfully on behalf of the parties pursuant to the Court’s November 17, 2020 Order, ECF No. 97, directing the parties to advise the Court as to whether further litigation, requests for relief, or submission of status and compliance reports are contemplated in this matter.

Prior to the Court’s November 17, 2020, Order, the parties engaged in preliminary discussions about the possibility of resolving this matter. The parties intend to continue these conversations. At present, the parties anticipate that there may be further litigation over issues in the case, including the availability and amount of attorneys’ fees pursuant to the Equal Access to Justice Act (“EAJA”). Apart from the possibility of plaintiffs’ application for fees, while plaintiffs believe significant issues remain with regard to mail service related to the runoff election in Georgia and compliance with the injunction related to the November Election, those issues are currently being actively addressed by Judge Sullivan in *Vote Forward v. DeJoy*, No. 20-cv-2405 (EGS) (D.D.C.). The parties intend to explore a possible resolution under which this Court does not need to engage in its own management of those issues – particularly when such management might create contradictory or inconsistent guidance. While the case remains pending and absent modification of current requirements, defendants intend to continue to comply with their weekly reporting requirements pursuant to Paragraph 6 of the Court’s September 25, 2020, Order, ECF No. 57.

In light of the foregoing, and in particular the parties’ intention to explore the possibility of resolving this matter, defendants request that their time to respond to plaintiff’s Second Amended Complaint be extended by thirty-five days, from December 3, 2020, to January 7, 2021. This is defendants’ second request for an extension of their time to respond to plaintiffs’ Second Amended Complaint. Plaintiffs consent to this extension request. Defendants anticipate that the requested extension may be necessary to completely explore the possibility of resolving the case at this stage because any possible resolution of this matter will require approval by senior officials at the U.S. Postal Service, which is currently the defendant in a series of similar

lawsuits, including *Vote Forward v. DeJoy*, No. 20-cv-2405 (EGS) (D.D.C.), which remains active. The upcoming holidays may affect the speed with which the necessary consultation processes can be accomplished. The U.S. Postal Service continues to assert its confidence in the integrity of its leadership and workforce, and in the collective dedication and commitment of the Postal Service to its non-partisan service mission. The U.S. Postal Service is hopeful that, through thoughtful discussions with the plaintiffs, a mutually acceptable path can be navigated towards a possible resolution of this lawsuit.

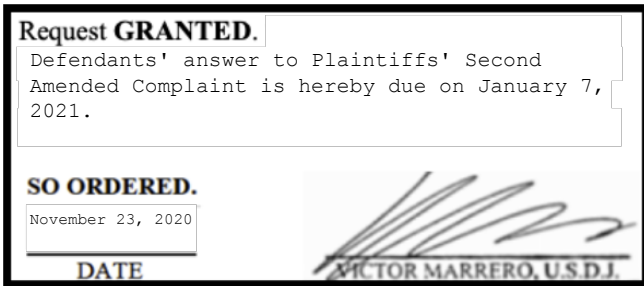
The parties thank the Court for its consideration of this submission.

Respectfully,

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Attorney for Defendants

By: /s/ Steven J. Kochevar

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Cc (By ECF): Counsel of Record