



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

February 16, 2017

Hon. Daniel J. Stewart
United States Magistrate Judge
James T. Foley, U.S. Courthouse
445 Broadway, Room 424
Albany, NY 12207

Re: *Grand Jury, Sovereigns of the Court v. U.S. Congress, Et Al.*
Northern District of New York
16-CV-1490 (LEK)(DJS)

Dear Judge Stewart:

I represent Governor Andrew Cuomo in the above-captioned matter. I write to request a 30-day extension to the Answer deadline in this matter. By this request the new Answer deadline would be **March 16, 2017**.

I intend to make a fully dispositive motion to dismiss on jurisdictional and various other grounds by this new deadline. I anticipate that my motion will set forth grounds for dismissal that will apply equally to all other named defendants. The submission of my motion should, therefore, obviate the need for the filing and consideration of separate and duplicative motions by the multitude of other defendants.

As such, in addition to seeking a thirty-day extension, by this letter I also request that the Court extend the deadline for all other defendants until after a ruling on my motion to dismiss. This extension of deadlines for all defendants serves the dual interests of judicial and resource economy, and has been approved in similar matters commenced against large fields of government defendants. See Healy v. Attorney General Pennsylvania, 563 Fed. Appx. 139 (3d Cir. Pa. 2014) annexed hereto.

In Healy, a matter commenced against all 50 State Attorneys General, the Third Circuit Court of Appeals approved the lower court's grant of this same scheduling apparatus, holding in abeyance all answer deadlines until one defendant's motion to dismiss was decided. Id. at 142. Of course, this request would in no way limit any party defendant's ability to Answer or make a separate motion on their own behalf, should they be so inclined.

Thank you for consideration of these requests.

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The undersigned declares pursuant to 28 USC § 1746, that on February 16, 2017 the annexed letter was served upon the Plaintiff at the address listed below via First Class Mail.

Respectfully yours,
s/ C. Harris Dague
C. Harris Dague
Assistant Attorney General
Bar Roll No. 513292
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cc: **Grand Jury, Sovereigns of the Court**
Unified United States Common Law Grand Jury
Grand Jury Foreman
P.O. Box 59
Valhalla, NY 10595