



U.S. Department of Justice

United States Attorney
Southern District of New York

MEMO ENDORSED

86 Chambers Street
New York, New York 10007

May 30, 2023

Via ECF

Honorable Kenneth M. Karas
United States District Judge
Southern District of New York
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

**Re: Daniel Libit v. United States Military Academy et al.,
23 Civ. 00845 (KMK)**

Dear Judge Karas:

This Office represents the United States Military Academy (the “Academy” or the “Government”) in this action brought by Plaintiff Daniel Libit under the Freedom of Information Act (“FOIA”). I write respectfully on behalf of all the parties to request a three-week adjournment of the initial conference scheduled for June 1, 2023, and a corresponding extension of time to submit a proposed case management schedule. The reason for this request is that the parties continue to be actively engaged in discussions about a potential resolution of this matter and the Defendants need additional time to determine their position. In particular, Defendant Army West Point Athletic Association (“AWPAA”) needs to confer with its Board of Directors to determine its position, but it will not be able to do so until its next Board meeting on June 8 and June 9. The requested extension would allow AWPAA to advise all parties of its position by June 15 and would allow the parties to meet and confer about a case management schedule, as necessary. This is the parties’ second request for an adjournment of the initial conference.

I thank the Court for its consideration of this request.

Granted. The conference is adjourned
to 6/21/23, at 10:30

So Ordered.

5/30/23

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: /s/ Elizabeth J. Kim
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cc: Kelsey Rinehart Eberly, Esq., David A. Schulz, Esq., Jennifer Ann Borg, Esq.,
Plaintiff's counsel (via ECF)
Mikhail Shah, Esq.,
Army West Point Athletic Association's counsel (via ECF)