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August 15, 2019

Hon. Catherine O'Hagan Wolfe, Clerk of Court
United States Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

Re: New Hope Family Services, Inc. v. Poole
Docket No. No. 19-1715
Appellant's Emergency Motion for a Preliminary
Injunction

Dear Ms. Wolfe:

I represent appellee New York State Office of Children and Family Services ("OCFS") Commissioner Poole in this appeal. In the above-referenced appeal, appellant New Hope Family Services ("New Hope") filed an emergency motion on August 13, 2019, seeking a preliminary injunction prohibiting enforcement activities outlined in an August 9, 2019 letter from OCFS to New Hope.

I am writing to advise the Court that OCFS has agreed that during the pendency of this motion for a preliminary injunction, it will not seek to enforce the directive in the August 9, 2019 letter. That letter required New Hope to submit confirmation that it will come into compliance with OCFS's nondiscrimination regulation or submit a plan to close out its adoption program within 15 days of the date of the letter. A copy of a draft of that letter is included as Exhibit F to New Hope's motion papers. *See* 2d Cir. Docket No. 19-1715, ECF 56-7, at 2.

OCFS's decision to not require New Hope to respond to the August 9 letter during the pendency of this motion obviates the need for the Court to decide New Hope's motion for a preliminary injunction on an emergency basis by August 22 as New Hope requested. OCFS therefore respectfully requests that the motion not be briefed and decided on an emergency basis and that its response to the motion be due on Friday, August 23, 2019, consistent with the Court's rules governing non-emergency motions.

Respectfully submitted,

/s/Laura Etlinger

LAURA ETLINGER
Assistant Solicitor General

CC: Roger Brooks, Esq.
via ECF