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July 31, 2019

**Via Electronic Filing & Regular Mail**

Honorable Madeline Cox-Arleo, U.S.M.J.  
District Court of New Jersey, Newark  
Martin Luther King Building &  
U.S Courthouse  
50 Walnut Street, Room 4015  
Newark, New Jersey 07101

**RE: Kenworthy vs. Lyndhurst Police Department, et als.**  
**Case No.: 2:18-cv-12822-MCA-JAD**  
**Our File No.: H17BR-007-HDN**

Dear Judge Cox-Arleo:

We represent the defendants, Lyndhurst Police Department, Police Officer Phillip Reina, Police Officer Haggerty, Sgt. Richard Pizzuti, Lyndhurst Township Ambulance Squad, and the Township of Lyndhurst. This matter is the subject of defendants' Motions to Dismiss the plaintiff's Amended Complaint, pursuant to Fed. R. Civ. P. 12(b)(6). In lieu of filing an opposition, plaintiff has, again, filed submissions to the Court seeking to delay resolution of the pending motions and making improper requests for discovery. Please accept this correspondence in lieu of a more formal brief, submitted pursuant to the Court's Order entered July 29, 2019 (ECF 52). Plaintiff has resorted to the same delay tactics he has employed in this litigation since it commenced, and the continued delay is unwarranted, and prejudicial to the defendants.

Hon. Madeline Cox Arleo, U.S.D.J.

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Plaintiff has offered no reason to the Court as to why he should be permitted to stall responding to the pending Motions for reason of want of legal representation. Per his own submissions, he retained counsel in February yet, inexplicably, no appearance has been entered on his behalf. Plaintiff has chosen to proceed pro se and this Court has afforded him every opportunity to retain counsel and afforded him leniencies in filings in consideration of his status as a pro se party. See Haines v. Kerner, 404 U.S. 519, 520-21 (1972); McNeil v. United States, 508 U.S. 106, 113 (1993); Holley v. Dept. of Veterans Affairs, 165 F.3d 244, 247-48 (3d Cir. 1999). Courts have an obligation to read a pro se litigant's pleadings liberally. Id. However, a pro se plaintiff "must still plead the essential elements of his claim and is not excused from confirming to the standard rules of civil procedure." Nicolette v. Caruso, 315 F. Supp. 2d 710, 717 (W.D. Pa. 2003), quoting McNeil, supra, 508 U.S. at 113. Plaintiff has not addressed the arguments set forth by defendants in the Motion to Dismiss, instead employing further delay tactics by improperly serving discovery requests. Fed. R. Civ. P. 26.

Absent from all of plaintiffs' submissions to the Court is a meritorious opposition to the pending Motions which would support his claims and address the substance of his Complaint. There is no justification to continue to delay resolution of the pending Motions, and it is submitted that plaintiffs' recent requests to adjourn the Motions and permit discovery be denied.

For the reasons set forth in defendants' Motion to Dismiss, it is also requested the Court enter an Order dismissing the Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6).

Hon. Madeline Cox Arleo, U.S.D.J.


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Please do not hesitate to contact the undersigned if the Court requires any further information with respect to this matter.

Respectfully submitted,



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**Via Regular Mail & Certified Mail R.R.R.**

cc: Mr. Lee Kenworthy, 127 Walton Street, Englewood, New Jersey 07631

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