

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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In the Matter of the Application of

BENJAMIN CHEVAT, Director of 9/11 Health Watch,

Petitioner,

-against-

NEW YORK CITY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION,

Respondent.

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**AFFIRMATION OF SAARAH  
S. DHINSA IN SUPPORT OF  
RESPONDENT NEW YORK  
CITY DEPARTMENT OF  
ENVIRONMENTAL  
PROTECTION'S  
APPLICATION FOR AN  
EXTENSION OF TIME TO  
RESPOND TO THE  
VERIFIED PETITION**

Index No. 155678/2024  
IAS Part 23  
(Schumacher, J.)

**SAARAH S. DHINSA**, an attorney duly admitted to practice law before the Courts of the State of New York, affirms under the penalty of perjury, pursuant to Rule 2106 of the New York Civil Practice Law and Rules ("CPLR"), as follows:

1. I am an Assistant Corporation Counsel in the Office of the Muriel Goode-Trufant, Acting Corporation Counsel of the City of New York, attorney for Respondent New York City Department of Environmental Protection ("City) in this proceeding.
2. This affirmation is based upon my review of the records maintained by this office. As such, I am fully familiar with the facts and circumstances set forth below.
3. I submit this affirmation in support of Respondent City's application, pursuant to Rules 2004 and 3012(d) of the CPLR, for a 45-day adjournment of the return date of the Verified Petition, from September 9, 2024 to October 24, 2024.

4. This matter was recently assigned to me, as such, the requested adjournment is necessary to enable me to review the lengthy Petition and exhibits and to draft and prepare an appropriate response.

5. On September 5, 2024, and again today, September 6, 2024, I emailed opposing counsel, seeking his consent to a 45-day adjournment of the return date. Opposing counsel has not returned my email.

6. Rule 2004 of the CPLR provides, in relevant part, that

the court may extend the time fixed by any statute, rule or order for doing any act, upon such terms as may be just and upon good cause shown, whether the application for extension is made before or after the expiration of the time fixed.

7. Rule 3012(d) of the CPLR provides that:

Upon the application of a party, the court may extend the time to appear or plead, or compel the acceptance of a pleading untimely served, upon such terms and may be just and upon a showing of reasonable excuse for delay or default.

8. In light of the public policy favoring resolution of cases on their merits and the lack of prejudice to Petitioner, Respondent City respectfully requests that the Court grant its application. See, e.g., Schonfeld v. Blue & White Food Prods. Corp., 29 A.D.3d 673, 674 (2d Dep't 2006) ("Considering the lack of any prejudice to the plaintiff as a result of the relatively short 2 ½ month delay, the existence of potentially meritorious defenses, and the public policy favoring the resolution of cases on the merits, we agree with the Supreme Court, as an exercise of discretion, the defendant's delay in answering was property excused."); Harley v. United Servs. Auto Ass'n, 191 A.D.2d 768, 768 (3d Dep't 1993) (extending defendant's time to move to dismiss the complaint); see also Arias v. First Presbyterian Church in Jamaica, 97 A.D.3d 712,

712 (2d Dep't 2012) (denying plaintiff's motion for default judgment where "less than two months after its time to answer had expired, [defendant] served an answer").

9. Accordingly, for the reasons set forth above, Respondent City respectfully requests that the Court grant its application for a 45-day adjournment of the return date of the Verified Petition, from September 9, 2024 to October 24, 2024.

Dated: New York, New York  
September 6, 2024

**MURIEL GOODE-TRUFANT**  
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By: /s/ Saarah S. Dhinsa  
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