



Proskauer Rose LLP Eleven Times Square New York, NY 10036-8299

December 6, 2024

Hon. Loretta A. Preska  
 U.S. District Court, Southern District of New York  
 Daniel Patrick Moynihan United States Courthouse  
 500 Pearl Street, Room 2200  
 New York, NY 10007

①, ②, and ③ below are

**SO ORDERED**  
  
 LORETTA A. PRESKA  
 UNITED STATES DISTRICT JUDGE

**Re: *Baez et al. v. New York City Housing Authority (NYCHA)*, No. 13-cv-8916 (LAP)**

Dear Judge Preska:

12/10/24

① We are co-counsel for Plaintiffs in the above-referenced matter and jointly submit this letter with counsel for Defendant to request the reappointment of Stout Risius Ross, LLC as Independent Data Analyst ("IDA"); Microecologies Inc. as Independent Mold Analyst ("IMA"), and Cesar de Castro as Ombudsperson (collectively, the "Independents"). By Order dated November 27, 2023, the Court invited the parties to file an application no later than December 7, 2024 concerning whether the appointments of the Independents should be extended. *See* ECF No. 462. Consistent with the Court's order, the parties jointly submit this letter motion respectfully moving the Court to enter an Order extending the appointments of the Independents through December 31, 2025 and including a provision that the parties may file any motions in support of the further reappointment of the Independents by December 5, 2025.

In support thereof, the parties state that the continued work of the Independents (along with the work of the Ombudsperson Call Center ("OCC")) is beneficial to NYCHA's ability to meet its obligations under the Revised Consent Decree so ordered by this Court. Over the last year, the Independents have worked diligently on several critical tasks, including but not limited to the following:

- The IDA has been working to advance an initiative called the "work order verification project." The Torres Report revealed that as of January 2023, there were over 15,000 open mold work orders and over 55,000 open leak work orders across NYCHA's portfolio. *See* ECF No. 444-1 (the "Torres Report"), at 7. The IDA's work order verification project seeks to reduce that backlog by identifying whether or not there is an active problem, or a ticket just needs to be closed out in NYCHA's system. The IDA has also assisted NYCHA with refining and streamlining its quarterly reporting process, provided feedback on NYCHA's standard procedures, and developed multiple organizational data visualization tools which have assisted NYCHA in identifying possible data integrity concerns, improve scheduling and productivity, and identify work orders that may warrant review.
- The Ombudsperson has continued to lead the OCC, which the IDA's database of resident-reported cases confirms has assisted at least 3,000 residents with unresolved mold and leak issues in over 200 developments in 2024 alone. The Ombudsperson has also engaged in various forms of outreach to ensure residents are aware of the OCC, including working with the IDA to conduct targeted email

and phone outreach, engagement with various legal service providers and community organizations.

- The IMA continues to assist with improvements and refinements to the Mold Standard Procedure. The IMA also has an instrumental role in developing NYCHA's Leak Standard Procedure. *Id.* at 60. It additionally is engaging in various special projects related to targeted goals such as reducing mold recurrence, conducting root causes analyses, and creating workflows to address leaks from above throughout NYCHA's portfolio.

Accordingly, the Independents continue to have a significant impact in the effort to meet the obligations of NYCHA under the Revised Consent Decree.

Although the parties jointly request that the Independents be reappointed as set forth above, they have reached a dispute regarding the reporting on the Independents' progress.

- It is the Plaintiffs' position that the Independents are key players in helping NYCHA achieve more progress in the future. Notwithstanding their critical assistance thus far, it has been six years since the Revised Consent Decree was so ordered, and nearly eighteen months since NYCHA's report at the request of Congressmen Ritchie Torres detailing the status of the progress of the Revised Consent Decree, was filed on the docket. *Id.* At this point, the Revised Consent Decree has not been fulfilled and there is a lack of substantive information being filed with the Court regarding NYCHA's progress in this regard. Accordingly, to keep the Court informed throughout the year on the progress of the Independents and their perspectives on different projects and goals, Plaintiffs respectfully request that the Special Master file on the docket for the Court's review semi-annual status reports on the work of the Independents. More specifically, Plaintiffs request that these reports include assessments of NYCHA's progress towards compliance, barriers to achieving compliance with the Revised Consent Decree, and independent recommendations for efforts NYCHA can reasonably undertake to make continued progress towards compliance with the Revised Consent Decree. Such reports may also include summaries or other documentation compiled by the Independents in the course of their work with NYCHA, subject to the approval of the Special Master. Plaintiffs are prepared to submit additional briefing on this issue should the Court so request.
- It is NYCHA's position that progress has been made and that the Independents are key players in assisting NYCHA in achieving continued progress in the future. However, it is also NYCHA's position that the added burden of additional reporting by the Independents and the Special Master, both in time and expense, to the Special Master and NYCHA is unnecessary as sufficient reporting is already in place at a substantial cost to NYCHA. NYCHA is prepared to submit additional briefing on this issue should the Court request.

Additionally, the parties request that the Independents' submit their expected 2026 budgets to the Special Master no later than July 31, 2025 or by a date determined by the Special Master so that NYCHA may review and better allocate funds for their payment. These budgets may not be changed without the prior written approval of the Special Master with notice provided to NYCHA.

Wherefore, the parties respectfully request that the Court order the extension of the Independents' appointments through December 31, 2025 with an opportunity to move for their further reappointment by December 5, 2025, and other such relief as this Court deems appropriate.

Respectfully submitted,

/s/ David A. Picon

David A. Picon

Julia D. Alonzo

**Proskauer Rose LLP**

11 Times Square

New York, NY 10036

T: (212) 969-3974

dpicon@proskauer.com

jalonzo@proskauer.com

*Counsel for Plaintiffs*

/s/ Wendy L. Prince

Wendy L. Prince

Miriam Skolnik

**Herzfeld & Rubin, PC**

17 State Street, Suite 2400

New York, NY 10004

T: (212) 471-8458

wprince@herzfeld-rubin.com

mskolnik@herzfeld-rubin.com

*Counsel for Defendant*