

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

JAMES CODY, et al.,)
)
 Plaintiffs,)
)
 v.) Cause No. 4:17-cv-2707
)
 CITY OF SAINT LOUIS, MISSOURI,)
)
 Defendant.)

PLAINTIFFS’ MOTION FOR EMERGENCY HEARING

Come now Plaintiffs, by and through undersigned counsel, to request this Court schedule an emergency telephonic or video conference hearing on Plaintiffs’ Motion to Compel Emergency Inspection (ECF No. 157) to occur on the morning of Friday, February 12, 2021 pursuant to Local Rule 1.05. Good cause for shortening time exists for the following reasons:

1. With the coldest days of the winter approaching, Plaintiffs’ counsel have received numerous reports of frigid temperatures to which detainees currently at Defendant City of St. Louis’s Medium Security Institution (“MSI”) are being exposed.

2. In addition, there are multiple reports of a lack of warm bedding and flagrantly retaliatory behavior including the deployment of chemical munitions—horrors which are detailed in Plaintiffs’ Motion to Compel Emergency Inspection and supportive memorandum. *See* ECF Nos. 157-158.

3. Accordingly, Plaintiffs have requested an emergency inspection of the MSI in order to check on the welfare of the incarcerated individuals, gather witness statements directly relevant to Plaintiffs’ claims in this matter, and to document the conditions at present time including recent temperature records.

4. Although Federal Rule of Civil Procedure 6(c)(1) normally requires a written motion and notice of hearing to be served at least 14 days before the time specified for a hearing, under Local Rule 1.05, “[f]or good cause, the Court may extend **or shorten** any time limit imposed by these rules” (emphasis added).

5. Here, as described in paragraph 1 above and in Plaintiffs’ Motion to Compel Emergency Inspection, these dangerous conditions threaten the lives, health, and wellbeing of MSI detainees such that following standard deadlines contained in Rule 34 (30-days to respond to a request for inspection) and Rule 6 (14-days notice before a hearing) would jeopardize the putative class members’ ability to obtain relevant and probative evidence and would prevent their ability to seek other forms of temporary or emergency relief.

6. Plaintiffs’ counsel is available any time on February 12, 2021.

WHEREFORE, for good cause shown, Plaintiffs thus request this Court schedule a telephonic or video conference hearing on Plaintiffs’ Motion to Compel Emergency Hearing (ECF No. 157) for the morning of February 12, 2021 at a time mutually-agreeable for the Court and counsel for the parties.

Dated: February 11, 2020

ARCHCITY DEFENDERS, INC.

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