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June 14, 2022

By ECF

Hon. Naomi Reice Buchwald
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007

Re: Kane, et al., v. Bill de Blasio, et al., No. 21 Civ. 7863
Keil, et al., v. The City of New York, et al., No. 21 Civ. 8773

Dear Judge Buchwald:

Counsel for the *Kane* and *Keil* Plaintiffs in this matter jointly submit this letter motion in response to this Court's order dated June 14, 2022, reassigning the case from Hon. Edgardo Ramos to Your Honor.

As you may know, on June 13, 2022, Judge Caproni recused herself because of investments in Pfizer, which constitute a financial conflict in this case because it could create the perception of partiality in violation of 28 U.S.C. §455(a) and (b)(4). [See, ECF 175]. The case was reassigned to Judge Ramos, who also stepped down due to Pfizer and other investments today.

We note respectfully that, according to the most recent financial disclosures available at <https://www.courtlistener.com/person/450/disclosure/32735/naomi-reice-buchwald/> [PDF of 2020 attached and incorporated as Exhibit A], Your Honor also has stock in Pfizer and multiple other pharmaceutical companies whose stock could be impacted by the holding in this case. Specifically, the most recent financial disclosure shows holdings of up to \$250,000 in Pfizer stock and \$100,000 in Johnson and Johnson stock at the end of 2020 among others. Ownership of these stocks, singly and collectively, leads to a reasonable question regarding impartiality, particularly given the history of this case and the reason for reassignment of the case. For the same reasons that plaintiffs jointly moved the Court to disqualify Judge Caproni [ECF 171-174 incorporated by reference herein], and Judge Ramos [ECF 177], Plaintiffs respectfully ask that Your Honor recuse herself from this case and direct the Clerk to assign another Judge without any financial conflict of interest as soon as possible given the urgent application for injunctive relief pending before the Court.

Respectfully submitted,

/s/ Jonathan R. Nelson
Counsel for Keil Plaintiffs

/s/ Sujata S. Gibson
Counsel for Kane Plaintiffs

cc: All counsel via ECF