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October 10, 2005

FILED

IN CLERKS OFFICE
U.S. DISTRICT COURT N.Y.

★ OCT 12 2005 ★

P.M. _____
TIME A.M. _____

VIA ELECTRONIC FILING

Magistrate Judge Joan M. Azrack
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Yanouskiy, as Administrator for Stanitskyy v. Eldorado Logistics, et al.
Docket No.: 05-CV-2202 (SJ) (JMA)
Our File No.: 810-3012

Dear Judge Azrack:

This firm represents defendants in the above wrongful death action. The parties appeared before your Honor on September 12, 2005 for an initial conference. At that time, after a discussion of the issues concerning defendants intended motion to dismiss based on lack of jurisdiction, improper venue, and forum non-conveniens, the court directed that the agreed-upon briefing schedule proceed as follows:

- Defendants' motion papers served by October 14, 2005;
- Plaintiff's opposition papers served by November 18, 2005; and
- Defendants' reply papers served by December 2, 2005.

It was also understood that plaintiff reserved the right to request discovery on the various issues depending on the contents of defendants' moving papers.

On consent of plaintiff's counsel it is respectfully requested that the above briefing schedule be extended for a two (2) week period as follows:

- Defendants' motion papers served by October 28, 2005;
- Plaintiff's opposition papers served by December 2, 2005; and
- Defendants' reply papers served by December 14, 2005.

This request is made in order for defendants to be able to make a single motion on all three grounds rather than burden the court with multiple motions. Defendants' investigator in

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Nebraska is gathering the necessary affidavits supporting defendants' motion to dismiss on forum non-conveniens grounds from local individuals including the police officers who investigated the accident, the responding fire department chief and related personnel, responding EMS personnel, and the medical examiner who conducted an autopsy on decedent Vitaliy Stanitsky. However, it has been learned that additional time is necessary in order to obtain the affidavits from the necessary individuals as well as to identify certain additional individuals not previously known who have relevant information concerning this accident which occurred on Interstate 80 in Kearney, Nebraska.

Accordingly, it is respectfully requested that the Court grant this extension regarding the briefing schedule for defendants' motion to dismiss. No prior extensions have been requested. Thank you for your consideration of this matter. If you have any questions, please contact me at your convenience.

Respectfully submitted,

s/David Abrams

DAVID ABRAMS

DA/sl

cc:

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**MOVANT'S COUNSEL IS DIRECTED
TO SERVE A COPY OF THIS ORDER
ON ALL PARTIES UPON RECEIPT**

App granted

Umm 111 10/11/05

Umm J

10/12/05

**MOVANT'S COUNSEL IS DIRECTED
TO SERVE A COPY OF THIS ORDER
ON ALL PARTIES UPON RECEIPT**