

JONES HIRSCH CONNORS & BULL, P.C.
ONE BATTERY PARK PLAZA
NEW YORK, NEW YORK 10004

NEW YORK

CALIFORNIA

TELEPHONE: (212) 527-1000
FACSIMILE: (212) 527-1880

CONNECTICUT

NEW JERSEY

MILLER & ASSOCIATES
SPECIAL COUNSEL
cobryan@jhcob.com
(212) 527-1621

May 26, 2006

ECF/VIA PACER

Honorable Kiyo A. Matsumoto, USMJ
United States District Court
Eastern District of New York (Brooklyn)
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Shiraz and Shereen Khan v. Grabber Manufacturing Company v. X-treme Collision Inc., John Gallipoli and EAH Air Handling Pty Ltd d/b/a Clyde-Apac*
Index No. : 2004-Civ-4016 (KAM) (ILG)
Venue : USDC-EDNY
Date of Loss : October 22, 2003
Our File : 00038-74939

Mikhlyn et al v. Bove et al

Doc. 112

Honorable Judge Matsumoto:

We represent the defendant/third-party plaintiff Grabber Manufacturing Company, Inc. ("Grabber") in the above-referenced lawsuit. Plaintiff Shiraz Khan alleges personal injury caused by a defective automobile lift device known as a "selson jack," manufactured by the third-party defendant EAH Air Handling Pty Ltd d/b/a Clyde-Apac ("Clyde-Apac"). Grabber is a distributor of selson jacks.

We are writing to request additional time to complete discovery. During the telephone status conference held on April 28, 2006, Your Honor ordered the following: the defendants to designate a doctor for plaintiff's medical examination by May 3, 2006 (2) the defendants to provide their expert liability reports and disclosures by May 5, 2006; (3) remaining depositions to be completed by May 31, 2006 and; (4) the parties to submit to chambers the legal and factual justification for their settlement positions including their most recent, best faith settlement demands and offers, by 12:00 p.m. on June 9, 2006.


We recently discovered that our client, Grabber, is undergoing a corporate reorganization making it difficult to determine which individual should - and could - be called upon to represent the company following its acquisition at a deposition. Ironically, Grabber's insurer, St. Paul Travelers, successor to Gulf Insurance Company, has reassigned this case to its Claims Department in Connecticut after closing its Claims Department in Georgia. Our ability to prepare our client's settlement position papers have been stymied while we await word from the new St. Paul claims representative with regard to settlement authority.

We also presently require additional time to complete our orthopedic and neurologist expert disclosures. We have currently designated Dr. William B. Head to perform plaintiff's IME. However, we still have not received authorizations to obtain medical records from plaintiff's health care providers discovered during the plaintiffs' deposition where it was first disclosed that Mr. Khan underwent additional testing and treatment within the past year.

Finally, our expert engineer requires additional time to complete his report. We hope to disclose Grabber's engineer's expert report by June 9, 2006.

We thank the Court in advance for its anticipated consideration and many courtesies in this matter.

Respectfully submitted,



Charles E. O'Bryan [04505]

cc: **(VIA E-MAIL & ELECTRONIC COURT FILING)**
CHATRATH & PASRICHA, L.L.P.
Attorneys for Third-Party Defendant
JOHN GALLIPOLI, X-TREME COLLISION INC.
Attention: Sandeep Chatrath, Esq.
494 Eight Avenue, Suite 505
New York, New York 10001
Tel: 646) 674-1222
Fax: (646) 674-1225

RHEINGOLD & TUCKER
Attorneys for Plaintiffs
SHIRAZ KHAN and SHEREEN KHAN
Attention: Jordan Tucker
26 Court Street
Brooklyn, New York 11201
Telephone: (718) 875-4805
Facsimile: (718) 875-4810