

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BARBARA SEIDE,

Pro Se Plaintiff,

ORDER

- against -

CV 09-913 (JFB) (AKT)

LAIDLAW TRANSIT, INC.
and UNION (Local 1181),

Defendants..

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A. KATHLEEN TOMLINSON, Magistrate Judge:

The Court has received Defendant First Student's¹ letter motion [DE 29] to dismiss this action for failure to prosecute. At the outset, the Court notes that such an application cannot be made by letter motion. Rather, a motion to dismiss must be made by formal motion, on notice, under the Federal Rules of Civil Procedure. Accordingly, Defendant's letter motion is denied, without prejudice. A telephone conference is set for **March 1, 2010 at 11:00 a.m.** to address the issues raised in Defendant's letter motion. Prior to the conference, counsel for Defendant is directed to contact Plaintiff to set up the arrangements for the conference call. Plaintiff is directed to cooperate with Defendant's counsel in carrying out these arrangements. At the designated date and time, counsel for Defendant is directed to initiate the call to Chambers, with Plaintiff on the line, at (631) 712-5760.

Counsel for Defendant Laidlaw Transit is directed to serve a copy of this Order upon Plaintiff *Pro Se* forthwith and to file proof of service on ECF.

¹ Defendant asserts that it was improperly pleaded as "Laidlaw Transit, Inc." This issue was addressed at the January 25, 2010 Initial Conference and counsel for Defendant was directed to prepare a stipulation to amend the caption, forward the proposed stipulation to Plaintiff for her signature, and then file the Stipulation on ECF by Defendant for the Court's review. To date, no such stipulation has been filed.

SO ORDERED.

Dated: Central Islip, New York
February 16, 2010

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
U.S. Magistrate Judge