

**FARBER BROCKS & ZANE L.L.P.**

ATTORNEYS AT LAW

51 CHARLES STREET, 2<sup>ND</sup> FLOOR  
MINEOLA, NEW YORK 11501  
[www.fbzlaw.com](http://www.fbzlaw.com)SHERRI N. PAVLOFF  
PARTNER  
[spavloff@fbzlaw.com](mailto:spavloff@fbzlaw.com)TEL. (516) 739-5100  
FAX (516) 739-5103  
[mail@fbzlaw.com](mailto:mail@fbzlaw.com)

October 26, 2009

**VIA ECF**Honorable Judge Thomas C. Platt  
United States District Judge  
United States Courthouse  
Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722-4449Re: *Joshua Brinn v. Syosset Public Library, Morris Duffy Alonso & Faley, Utica National Insurance Company, Judith Lockman, Director of the Syosset Public Library in her individual and professional capacities, Robert Glick, Trustee of the Syosset Public Library in his individual and professional capacities*Index No. : 09 CV 1151  
Our File No. : 462-4460

Honorable Sir:

This office represents Utica National Insurance Company ("Utica"), in the above-captioned action. Through this letter, we are requesting permission to file a 20 page Reply Memorandum of Law. Our reasons are discussed below.

On September 11, 2009, we moved to dismiss the complaint in the above noted matter based on our belief that not one of the six causes of action asserted against Utica stated a valid cause of action. Plaintiff's opposition to our motion, both by way of an affidavit, with attachments, as well as through his Memorandum of Law, submits what he contends are additional facts for this Court to consider on the motion. These are new assertions, which we could not have anticipated in our original motion based on the complaint, as pled and which we must address in reply. These new assertions impact each and every argument made by Utica.

Mindful of this Court's directive, we have carefully eliminated repetitive arguments, but find ourselves in need of 20 pages in order to respond. We therefore request that this Court grant Utica permission to file a 20 page Reply Memorandum of Law, in further support of its Motion to Dismiss.

Pursuant to stipulation among the parties, our Reply must be served by October 30, 2009. Thank you for your kind consideration.

Respectfully Submitted,



SHERRI N. PAVLOFF (SP5373)

cc:

RAYMOND NARDO, ESQ.  
Attorney for Plaintiff.  
129 Third Street  
Mineola, NY 11501  
(516) 248-2121  
(516) 742-7675 (F)

Richard Granofsky, Esq.  
Thomas Catalano, Esq.  
LESTER, SCHWAB, KATZ & DWYER, LLP  
Attorneys for Defendants Syosset Public Library,  
Judith Lockman and Robert Glick  
120 Broadway  
New York, NY 10271  
(212) 341-4320  
(212) 267-5916 (F)

Peter L. Contini, Esq.  
L'ABATE, BALKAN, COLAVITA & CONTINI, L.L.P.  
Attorneys for Defendant Morris Duffy Alonso & Faley  
1050 Franklin Avenue, 4<sup>th</sup> Floor  
Garden City, NY 11530  
(516) 294-8844  
(516) 294-8202 (F)