

Fairey et al v. The Associated Press
Caldwell Leslie

Doc. 165

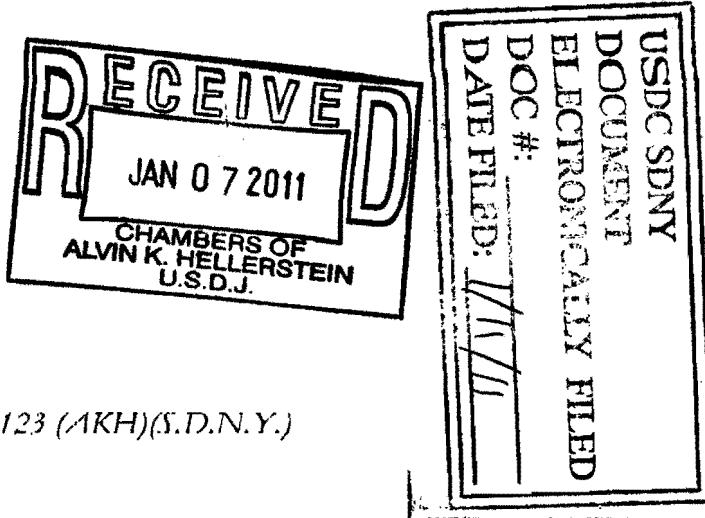
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January 7, 2011

Hon. Alvin K. Hellerstein
United States Courthouse
500 Pearl Street
New York, New York 10007
Fax: (212) 805-7942

Re: *Fairey, et al. v. The Associated Press, 09 Civ. 1123 (AKH)(S.D.N.Y.)*

Dear Judge Hellerstein:



Pursuant to Rule 1(D) of the Court's Individual Rules, Counterclaim Defendant One 3 Two, Inc. d/b/a Obey Clothing ("One 3 Two") respectfully requests an extension of two court days (to Tuesday, January 11, 2011), to file under seal versions of the declarations of Christopher Broders and Regan Donald Juncal containing their original signatures. Counsel for the Associated Press does not oppose One 3 Two's request for an extension.

One 3 Two inadvertently attempted to file these declarations with facsimile signatures on January 7, 2011, and these were not accepted by the clerk. Because One 3 Two is located in Santa Ana, California, and One 3 Two's counsel is located in Los Angeles, California, One 3 Two requests two additional court days to allow it time to coordinate sending the original signatures to its local counsel in New York.

One 3 Two's motion for summary judgment was due on January 6, 2011. Pursuant to the agreement between counsel approved by this Court, One 3 Two filed its Notice of Motion for Summary Judgment, or, in the Alternative Partial Summary Judgment, on January 6, 2011 and served counsel with all of its summary judgment papers on that date. On January 7, 2011, One 3 Two filed all of its summary judgment papers under seal with the exception of the declarations of Mr. Broders and Mr. Juncal, which inadvertently failed to include original signatures. One 3 Two plans to electronically file the public, redacted version of all of its summary judgment papers, including the declarations of Mr. Broders and Mr. Juncal, later today.

This is One 3 Two's second request for an extension relating to its motion for summary judgment. On November 23, 2010, One 3 Two, along with the other parties in this case, jointly requested that the Court approve an amended briefing schedule for the motions for summary judgment, which the Court granted. One 3 Two's request will not effect any of the other deadlines in this case.

*The defendant's request for two -
day enlargement is granted. The plaintiff should
file under seal as directed. The defendant should
proceed under my Individual Rule IV*

*1/10/11
Alv Hellerstein*

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We respectfully ask Your Honor to grant One 3 Two's request for an extension of two court days to file under seal versions of the declarations of Mr. Broders and Mr. Juncal with original signatures.

Respectfully,



Laurie C. Martindale
Counsel for One 3 Two, Inc.

cc: All counsel of record.

Judge wrote:

“The applicant’s request for a two-day enlargement is granted. The application to file under seal is denied. The applicant should proceed under my Individual Rule IV.

1/10/11

Alvin K. Hellerstein”