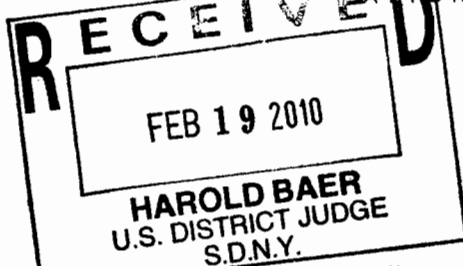


CROWLEY FLECK PLLP
ATTORNEYS

The Honorable Harold Baer, Jr.
U.S.D.C., S.D.N.Y.
500 Pearl Street
Chambers 2230
New York, NY 10007

February 19, 2010

HERBERT I. PIERCE, III
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DATE FILED: 2/25/10

Via Facsimile and Regular Mail

RE: *Gucci America, Inc. v. Frontline Processing Corporation; et al.*
CAUSE NO: 09-CIV-6925(HB)

Dear Judge Baer:

I am writing to request that the court hold in abeyance Frontline Processing Inc.'s Motion for Discovery Protective Order and Informal Discovery Request. At the outset Frontline would like to apologize for not employing informal negotiations prior to filing its motion. Given the time restraints of discovery rules and the nature of the data involved in this case, the need for a protective order became apparent very late in the period to respond. Consequently, Frontline was unable to confer with the opposing party prior to filing its discovery responses and motion for protective order. We are now working with opposing counsel and are hopeful that the issues addressed in the motion can be resolved without court intervention. To the extent that filing the motion has inconvenienced the Court, Frontline offers its sincere apology.

To give the Court a brief background, the discovery propounded by Plaintiff was very broad and encompasses a wide range of documents. Frontline is a small business (only 19 employees) located in Bozeman, Montana. Frontline's business is credit card processing—which by its nature involves voluminous amounts of highly sensitive consumer and merchant financial data. Maintaining the security of such data is mandated by federal law and critical to Frontline's merchant clients. Conducting e-discovery and an efficient review of electronic files in a physically and electronically secure environment has proven to be very time consuming and expensive. For these and other reasons, on February 1, 2010, Frontline filed its Motion for Discovery Protective Order and Informal Discovery Conference. (See Dkt. No. 35).

At this point the parties are working to reach a mutually acceptable solution to the discovery issues addressed in Frontline's motion. Therefore, Frontline respectfully requests that the court hold in abeyance its Motion for Discovery Protective Order and Informal Discovery Conference.

BILLINGS DISMARCH BOZEMAN HELENA KALISPELL MISSOULA WILLISTON

CROWLEYFLECK.COM

Doc. 38

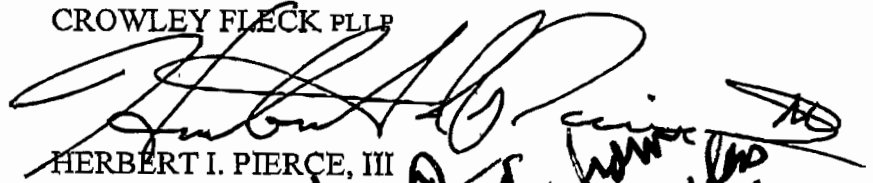
Honorable Judge Baer

February 19, 2010

Page 2 of 2

Sincerely,

CROWLEY FLECK PLLP



HERBERT I. PIERCE, III

HIP: gth

cc: Robert Weigel

William L. Mentlik

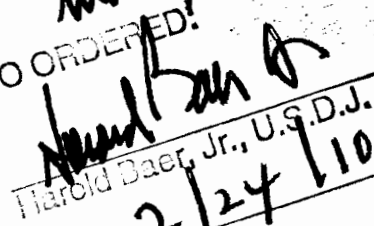
Gregg A. Paradis

Todd Wengrovsky

Stanley L. Lane, Jr.

I must have
motion open for two
weeks + 30 days in
my docket at that time unless
you are prepared to proceed. I
say don't need any more open
motions on my docket
again - March 10
you will be able to renew
thereafter but I hope your
motion is out - w/o a decision
but because its withdrawn

SO ORDERED.



Harold Baer, Jr., U.S.D.J.

Date:

2/24/10

Endorsement:

I will keep motions open for two weeks and dismiss it from my docket at that time unless you are prepared to proceed. I really don't need any more open motions on my docket again - March 10 you will be able to renew thereafter but I hope you work it out - without a dismissal but because its withdrawn.