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| USDS SDNY | William L. Mentlik 908.518.6305 wmentlik@ldlkm.com |
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July 14, 2010

VIA FACSIMILE (212-805-7901)
The Honorable Harold Baer, Jr.
U.S.D.C., S.D.N.Y.
500 Pearl Street
Chambers 2230
New York, NY 10007

Re: WNB 6.0-001
Gucci America, Inc. v. Frontline Processing Corp. et al.
Civil Action No. 09-6925-HB

Dear Judge Baer:

Pursuant to my telephone discussion this morning with Mr. Heeren, I am writing to Your Honor to request an adjustment in the briefing schedule on the motion for partial summary judgment, filed on July 7, 2010, on behalf of defendants Woodforest National Bank and Durango Merchant Services LLC. In this regard, in the scheduling order entered by the Court on June 7, 2010, it had been provided that motions for summary judgment would be filed by July 2, 2010, oppositions to any such motion by July 16, 2010, and replies in support of any such motion by July 23, 2010. When the parties appeared before Your Honor on June 30, 2010, I had requested, and was granted by Your Honor, additional time to file a motion for summary judgment on the same date that the defendants' respective answers to the complaint were due, which at the time, I believed to be July 14, 2010. Had we taken until July 14, 2010, that would have been an extension of almost two weeks from the due date of July 2, 2010, as specified in the scheduling order. As it turned out, we determined that defendants' answers were actually due a week earlier, on July 7, 2010; and accordingly, the additional time we took to file our motion turned out to be only three days.

We have conferred with Gucci's counsel regarding a schedule for the completion of briefing on our motion, and it has been agreed between counsel, subject to Your Honor's approval, that Gucci's opposition will be filed by July 26, 2010, and our reply will be filed by August 6, 2010. Such dates are essentially those that would apply under the Court's local rules to motions in general.

Based on the foregoing, on behalf of all counsel, we respectfully request that Your Honor approve the briefing schedule as agreed upon between counsel.

Respectfully submitted

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
Attorneys for Defendant Woodforest National Bank

By:  Denied.

WLM/dmf
cc: All counsel of Record (via e-mail)

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

Date: 7/14/10

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