

**USDS SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
 C#: \_\_\_\_\_  
 DATE FILED: 10/5/09

**LERNER  
 DAVID  
 LITENBERG  
 KRUMHOLTZ  
 &  
 MENTLIK  
 LLP**

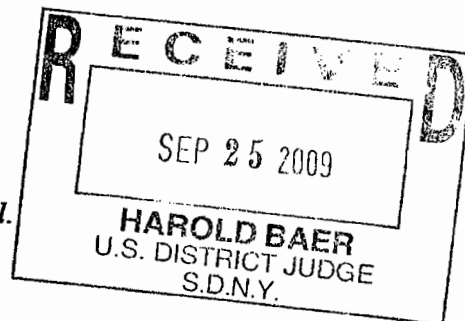
600 SOUTH AVENUE WEST • WESTFIELD, NEW JERSEY 07090  
 908.654.5000 • FAX 908.654.7866 • WWW.LDLKM.COM  
 PATENTS, TRADEMARKS, COPYRIGHTS & UNFAIR COMPETITION

**Charles P. Kennedy**  
 908.518.6307  
 ckennedy@ldlkm.com

September 25, 2009

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

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



Dear Judge Baer:

Our firm has recently been retained to represent Woodforest National Bank ("Woodforest"), one of the named defendants in the above-referenced matter. We are writing to Your Honor now, on behalf of our client and on behalf of co-defendant Frontline Processing Corporation ("Frontline"), to request an extension of time on behalf of Woodforest and Frontline to answer or otherwise move with respect to the complaint up to and including October 30, 2009.

As reflected on the docket report for the case (copy submitted herewith), the complaint was filed on August 5, 2009. Following service of the complaint on Woodforest, Woodforest retained the firm of Fulbright & Jaworski LLP to represent it, but only for the purpose of attempting to settle the matter without the necessity of litigation. During the course of settlement negotiations that ensued, an agreement was reached with plaintiff's counsel that the date for responding to the complaint would be extended to October 16, 2009. When efforts to settle the matter proved unsuccessful, on September 16, 2009, our firm was retained by Woodforest to litigate the matter on its behalf. Having had no prior involvement with the matters at issue, or having previously represented Woodforest, we immediately undertook to familiarize ourselves with the issues and to coordinate with counsel for the other defendants. Based on our evaluation of the case to date, it is presently contemplated that we will be preparing a motion to dismiss for failure to state a claim, and that such motion will be submitted on behalf of at least Woodforest and Frontline.

Mindful of Your Honor's requirement that, unless prior permission has been granted, multiple defendants shall file one consolidated memorandum of law in support of any dispositive motion, we are attempting to coordinate with Frontline's counsel to file a single memorandum in support of the proposed motion to dismiss. It is for that reason we are making the present request for an extension of time, since under present circumstances, we do not believe we will have ample time to prepare and file our motion by the October 16, 2009 date previously agreed to by plaintiff's counsel. In that regard, our efforts to coordinate with Frontline's counsel have been somewhat curtailed by our own efforts to familiarize ourselves with the rather extensive background of the case and issues presented for adjudication, and the fact that Frontline's counsel



The Honorable Harold Baer, Jr.  
September 25, 2009  
Page 2

had been involved in preparing for a two-week trial of a case pending in federal court in Billings, Montana, that was set to commence on October 13, 2009, and just settled yesterday, involving severe injuries to an oil field worker claimed to have been caused by the defendant's crane operation.

This past Monday, September 21, 2009, we contacted plaintiff's counsel to secure its consent to the extension of time here requested. As of the writing of this letter, no response from plaintiff's counsel has been forthcoming. Accordingly, again, we respectfully request that the extension sought be granted.

Respectfully submitted

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

By: 

Charles P. Kennedy  
S.D.N.Y. Bar Code: CK 9917

WLM/dmf  
Enclosure

cc: All counsel of Record (w/encl.) (via e-mail)

9/16/09  
Request to answer or move  
by Oct 30, 09 is granted  
SO ORDERED  
H. Baer, Jr.  
USDS

Endorsement:

Request to answer or move by October 30, 2009 is granted.