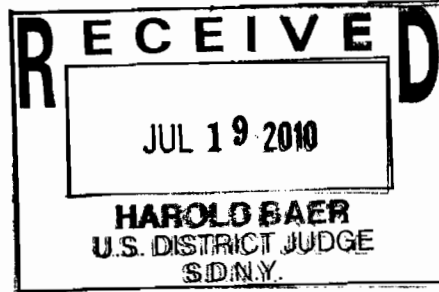


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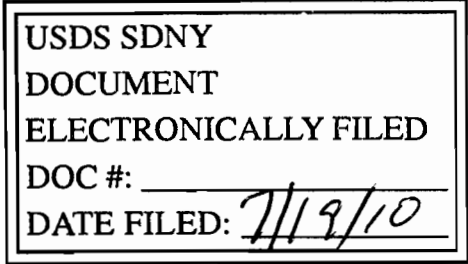
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Client: 35409-00028

July 16, 2010

VIA FACSIMILE: (212) 805-7901

Hon. Harold Baer, Jr.  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 2230  
New York, NY 10007-1312



Re: Gucci America, Inc. v. Frontline Processing Corp., et al., 09 Civ. 6925 (SDNY) (HJB)

Dear Judge Baer:

I was surprised to receive a copy of Mr. Mentlik's latest letter to the Court which simply rehashes the points made in Woodforest's prior letter. Instead of receiving yet another letter to the Court, I had expected a return telephone call from his partner telling me that the briefing schedule that we had discussed was agreeable or proposing an alternative -- without involving the Court.

Woodforest's letter raises nothing new and there is no reason to change the schedule set by the Court. In response to this Court's decision that all briefing on the summary judgment motions must be completed by August 1<sup>st</sup>, I promptly called Woodforest's counsel and proposed a briefing schedule on both the summary judgment motion filed jointly by Woodforest and Durango and the cross summary judgment motion to be filed by plaintiff. The August 1<sup>st</sup> deadline for the completion of summary judgment briefing is tight for all parties. Durango did not turn over its hard drives until Wednesday and Thursday of this week and the defendants did not answer the complaint until July 7<sup>th</sup>. Still, the schedule ordered by the Court is workable and the parties can get the briefing done in a timely fashion. Woodforest is represented by an excellent law firm and has three different partners working on the matter. To meet the Court's schedule, I proposed to defendants that Gucci have two weeks from the filing of defendants' answers to prepare plaintiff's summary judgment motion (six days from the date of the endorsed letter), that Woodforest and Durango take nine days to respond to the motion and that Gucci have a single day to reply. There is nothing unfair about that schedule.

Woodforest and Durango have had a copy of Gucci's complaint for almost a year. We have had their answers (and the admissions contained therein) for eight days. It is logical that defendants would be able to file their summary judgment motion with their answer. It does not make any sense to say that plaintiff should have moved for summary judgment before reviewing the defendants' answers. We did not have a copy of

Gucci America, Inc. v. Frontline Processing Corporation et al

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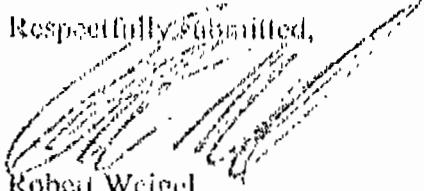
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Woodforest's answer at the time of the last hearing and informed defendants within a week after receiving their answers that we intended to move for summary judgment.

Gucci has worked diligently to prosecute this suit and promptly informed defendants of our intentions. Our forensic computer expert is working diligently to reconstruct what happened to Durango's hard drives and we are hopeful we will be able to include their results in the brief we propose to file this Thursday. If they are unable to complete their analysis by that time, we will file a brief letter with any new facts their investigation uncovers as the Court indicated.

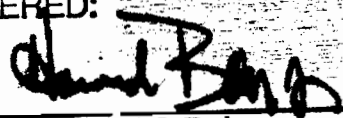
As all of the briefing in this case has been joint up to this point -- including defendants' pending summary judgment motion -- it does not make sense to set up a separate briefing schedule for Woodforest and one for Durango for this particular motion. Accordingly, we do not think that this Court should reconsider its decision and we do not think this Court needs to get involved in the details of a briefing schedule. The parties should be able to meet and confer and work this out.

Respectfully Submitted,  
  
Robert Weigel

RLW/scj

cc: William Mentlik, Esq. (via email)  
Todd Wengrovsky, Esq. (via email)

Motion by 7/23 at noon at the latest. August 1st for any answering papers for any motion, and the third (8/3) for any reply. You are the first group of lawyers to be unable to do this without court intervention - congratulations.

SO ORDERED:  
  
Harold Baer, Jr., U.S.D.J.  
Date: 7/19/10

Endorsement:

Motion by July 23 at noon at the latest. August 1 for any answering papers for any motion, and the third (August 3) for any reply. You are the first group of lawyers to be unable to do this without court intervention - congratulations.