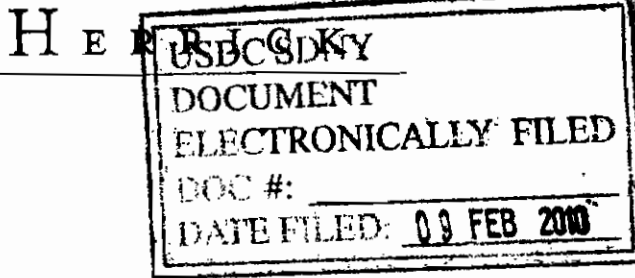


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February 8, 2010

Hon. Laura Taylor Swain
United States Courthouse
500 Pearl Street
New York, NY 10007-1312
Fax: 212-805-0426

MEMO ENDORSED

Re: *Phyllis Molchatsky and Steven Schneider, M.D. v. United States of America*, 09 Civ 8697

Dear Judge Swain:

We represent Plaintiffs in the above-referenced action. We write with the consent of the Government and on behalf of both parties to request an extension of the previously-established schedule for the briefing of the Government's motion to dismiss. Specifically, the parties have agreed to extend Plaintiffs' time to oppose the motion by two weeks from February 12, 2008 to February 26, 2010, and to extend the Government's time to submit a reply by six weeks from March 6, 2010 to April 9, 2010. The parties have not previously requested any extensions with respect to the previously-established briefing schedule.

We also write to request permission to file an oversized brief of no more than 45 pages in opposition to the Government's motion. The Government has consented to this request. We make this request because the Government's motion, as one relating to subject-matter jurisdiction, calls for extensive factual analysis relating to Plaintiff's 63-page complaint, and, potentially, some matters outside the pleadings that can properly be considered by the Court at this stage. Moreover, the Government's motion calls for the analysis of several complex legal issues relating to the Federal Tort Claims Act and its discretionary-function exception, including at least one question of law that is subject to a split among the Courts of Appeal and will present a matter of first impression for this Court.

Thank you for your consideration.

The requests are granted.

Respectfully submitted,

John Oleske

NEW YORK, NY

SO ORDERED.

LAURA TAYLOR SWAIN

UNITED STATES DISTRICT JUDGE

cc: Sarah Normand, Esq. (by fax: 212-637-2702)

Feb 9, 2010