

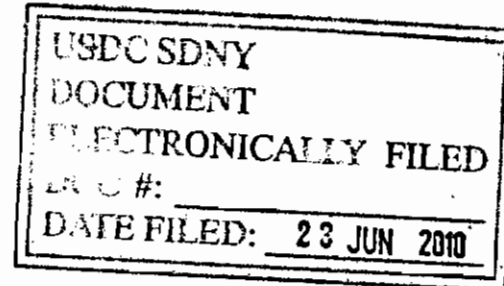


U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

June 22, 2010



BY FACSIMILE

Hon. Laura Taylor Swain
United States District Judge
United States Courthouse
500 Pearl Street, Room 755
New York, New York 10007

MEMO ENDORSED

Re: Molchatsky v. United States
09 Civ. 8697(LTS)(AJP)

Dear Judge Swain:

We write respectfully on behalf of both parties in the above-referenced action brought pursuant to the Federal Tort Claims Act to seek clarification regarding the nature of the conference that is presently scheduled for July 23, 2010, in this matter. Specifically, we respectfully request clarification as to whether this conference will be solely an initial pretrial conference, or whether the Court also intends to hear oral argument on that date regarding the United States' motion to dismiss this case for lack of subject matter jurisdiction, which motion is now fully briefed. The Court previously granted the parties' request to stay the Joint Pretrial Statement requirement in this matter pending the Court's resolution of the United States' motion to dismiss.

We thank the Court for its consideration of this request.

*The conference is adjourned
to October 8, 2010, at 2:30pm.
The Court will inform the
parties if oral argument will
be heard.*

Respectfully,

PREET BHARARA
United States Attorney

By:

[Signature]
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SO ORDERED.

NEW YORK, NY

[Signature]
LAURA TAYLOR SWAIN

June 22, 2010 UNITED STATES DISTRICT JUDGE