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U.S. Department of Justice

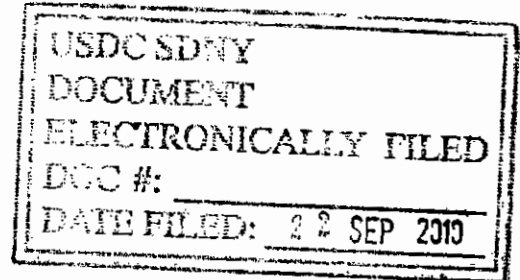
United States Attorney
Southern District of New York

86 Chambers Street
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September 21, 2010

BY FACSIMILE

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



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

Dear Judge Swain:

We write briefly in response to plaintiffs' September 20, 2010 letter opposing the Government's request for an adjournment of the initial pretrial conference scheduled for October 8, 2010. On September 17, the United States sought to adjourn the conference for the same reason it has been previously adjourned: the Government's "jurisdictional motion should be resolved before the parties engage in the discussions required by the Court's October 20, 2009 Initial Conference Order." See Doc. 9 at 1-2. Plaintiffs have consented to this adjournment in the past, see id., and, in their September 20 letter, offer no reason now why the initial pretrial conference should not be adjourned again until after resolution of the jurisdictional motion. Because the parties are still not in a position to conduct meaningful discussions concerning the requirements of the Court's Initial Conference Order, the United States respectfully renews its request to adjourn the initial pretrial conference.

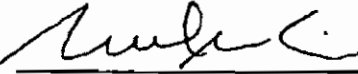
With respect to Plaintiffs' demand for discovery, the United States simply notes that this issue has been fully briefed in the context of the jurisdictional motion. See Doc.16 at 24-28; Doc. 21 at 2-7.

Finally, if the Court determines to proceed with the initial pretrial conference in advance of deciding the pending motion to dismiss, we respectfully request that, because of Government counsel's scheduling conflict on the afternoon of October 8, the date be adjourned either to the morning of October 8, or to the next convenient date for the Court.

We thank the Court for its consideration of this request.

Respectfully,

PREET BHARARA
United States Attorney

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