

U.S. Department of Justice

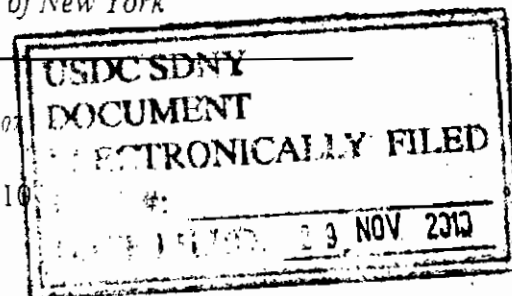
Molchatsky et al. v. United States Of America

United States Attorney
Southern District of New York

Doc. 27

86 Chambers Street
New York, New York 10007

November 24, 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)The Litwin Foundation, Inc. v. United States
10 Civ. 7367 (LTS)

Dear Judge Swain:

We write respectfully on behalf of the United States (the "Government"), the defendant in the two above-referenced actions brought pursuant to the Federal Tort Claims Act. We seek adjournments of the initial pre-trial conferences presently scheduled, respectively, for December 10, 2010 in Molchatsky v. U.S. ("Molchatsky") and December 17, 2010 in The Litwin Foundation, Inc. v. U.S. ("Litwin"). Presently before the Court in these two related matters are (a) the Government's motion to dismiss in Molchatsky and (b) the Government's November 23, 2010 unopposed request for an adjournment of its time to respond to the complaint in Litwin pending the Court's ruling in Molchatsky.

We respectfully submit that the interest of judicial economy will be served if the two initial pre-trial conferences are adjourned to a single date that is convenient to the Court after January 21, 2011 (*i.e.*, six weeks after the currently-scheduled December 10 conference date in Molchatsky). In addition, the undersigned will be unexpectedly out of the office on both December 10 and December 17 for medical reasons. This is the Government's first request for an adjournment of the conference in Litwin and the fifth request for an adjournment of the Molchatsky conference.

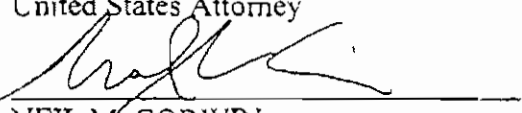
Howard Elisofon, plaintiffs' counsel in both Molchatsky and Litwin, objects to this request for the same reasons sets forth in the Molchatsky plaintiffs' September 20, 2010 letter to the Court opposing the Government's previous request for an adjournment of the initial pre-trial conference.

We thank the Court for its consideration of this request.

Respectfully,

PREET BHARARA
United States Attorney

By:


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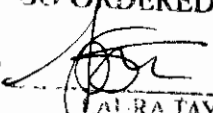
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cc: Howard Elisofon, Esq.
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Counsel for Plaintiff
By Facsimile

*The conferences are adjourned to
February 17, 2011, at 4:30 pm.*

SO ORDERED.

NEW YORK, NY


LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE