

Molchatsky et al., United States Of America

United States Attorney
Southern District of New York

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86 Chambers Street
New York, New York 10007

February 2, 2011

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BY FACSIMILEHon. 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 in these actions for February 17, 2011.

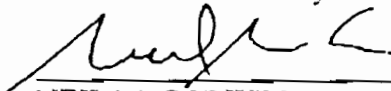
The Government respectfully submits that the interest of judicial economy will be served if these conferences are adjourned to a date ten days after the Court's resolution of the Government's pending motion to dismiss in the first of these actions, Molchatsky v. U.S. ("Molchatsky"). The allegations in The Litwin Foundation, Inc. v. U.S. ("Litwin") raise the same jurisdictional questions that have been addressed by the Government's motion in Molchatsky.

This is the Government's second request for an adjournment of the conference in Litwin and the sixth request for an adjournment of the Molchatsky conference. Howard Elisofon, plaintiffs' counsel in both Molchatsky and Litwin, objects to this request.

We thank the Court for its consideration of this request.

Respectfully,

PREET BHARARA
United States Attorney

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The conferences are adjourned pending resolution of the Molchatsky motion to dismiss and further order of the Court.

SO ORDERED.

NEW YORK, NY



LAURA TAYLOR SWAIN

Feb 2, 2011 UNITED STATES DISTRICT JUDGE