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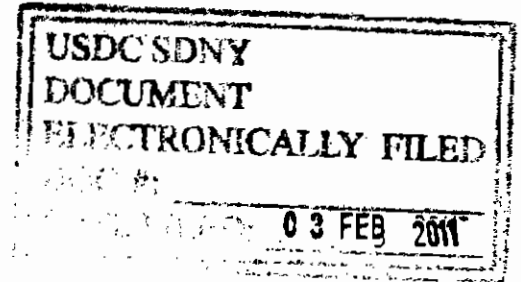
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February 2, 2011

**VIA FEDERAL EXPRESS AND ELECTRONIC MAIL**

Neil Corwin, Esq.  
Assistant United States Attorney  
United States Attorney for the Southern District of New York  
86 Chambers Street  
New York, New York 10007



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

Dear Mr. Corwin:

I submit this letter in response to our phone call on Monday, in which you indicated that the Government intends to request that the Court postpone the parties' compliance with Fed. R. Civ. P. 26(f) and the entry of a scheduling order pursuant to Fed. R. Civ. P. Rule 16(b) indefinitely, pending the Court's determination of the Government's motion to dismiss. On behalf of our clients, we do not consent to this request nor do we consent to such communications in a joint letter as we will respond independently.

The pre-trial conference in this matter, which was originally set for January 22, 2010, has now been adjourned five times, and each time the conference has been adjourned for a minimum of several weeks. More than a year has passed since we filed our Complaint and, to the prejudice of our clients, no progress has been made. We further note that the Court has twice denied the Government's prior requests for an indefinite adjournment pending the Court's determination of the motion, on December 17, 2009 and on September 21, 2010.

Accordingly, we hereby request that the Government confer with Plaintiffs' counsel regarding the matters set forth in the Court's original Order dated October 20, 2009, in accordance with said Order and Fed. R. Civ. P. 26(f), as soon as practicable and in all events no later than within the next 30 days, so that the Court may issue a scheduling order as required by Fed. R. Civ. P. 16(b). Please be advised that we intend to move the Court for such relief in the event that the Government fails to comply with this request.

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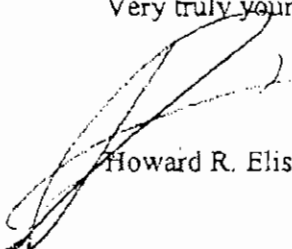
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If you would like to discuss this matter, please feel free to contact me. We look forward to hearing from you.

Very truly yours,



Howard R. Elisofon

HRE:cb

cc: Jeffrey Paul Ehrlich