

Allen v. Scholastic Inc.

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September 9, 2010

BY FACSIMILE

Honorable Shira A. Scheindlin
United States District Court
Southern District of New York
500 Pearl Street, Room 1620
New York, New York 10007

Re: *Paul Gregory Allen, Trustee of the Estate of Adrian Jacobs v. Scholastic Inc.*, 10-CV-5335 (SAS)

Dear Judge Scheindlin:

We represent Defendant Scholastic Inc. in the above-referenced matter. We write to propose a briefing schedule for Defendant's motion to dismiss Plaintiff Paul Gregory Allen/Trustee of the Estate of Adrian Jacobs' claim of copyright infringement pursuant to Federal Rule of Civil Procedure 12(b)(6). As stated in our letter to the Court dated August 31, 2010, Defendant will file its motion to dismiss on September 16, 2010. Defendant has conferred with counsel for Plaintiff regarding the remainder of the briefing schedule and the parties have agreed to propose that the deadline for Plaintiff's opposition to Defendant's motion to dismiss be October 20, 2010, and that Defendant's deadline for replying to Plaintiff's opposition be November 4, 2010.

In addition, we have consulted with Plaintiff's counsel and agreed to propose adjourning the initial pre-trial conference, which is currently scheduled for September 29, 2010, to January 25th, 26th, or 27th, 2011. This would allow the Court time to decide Defendant's motion to dismiss, the outcome of which may dispose of this case in its entirety. This is the second request to amend the schedule of the initial pre-trial conference in this case.

We thank the Court for its consideration.

The proposed motion to dismiss briefing schedule is hereby ordered: Motion - September 16 - Response Oct. 20; Reply Nov. 4, 2010. The September 29 conference will take place as scheduled. So Ordered: [Signature]

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9/10/10

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Respectfully submitted,

Dale Cendali

Dale M. Cendali

cc: Joseph A. Patella, Esq. (by facsimile)
Thomas R. Kline, Esq. (by facsimile)
Michele P. Schwartz (by facsimile)