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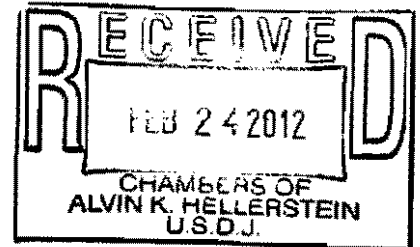
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February 24, 2012

By Facsimile

Hon. Alvin K. Hellerstein
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007



Re: Cooke/Rodino v. DB 85 Gym Corp. et al.
Civil Action No.: 11 Civ. 0201 (AKH) (RLE)

Dear Judge Hellerstein:

I am a member of the Dweck Law Firm, LLP, attorneys for Plaintiffs in the above-referenced matter. I write regarding a discovery issue concerning Defendants' depositions and to request an extension of the February 29, 2012 deadline to complete fact discovery. This is the first request for an extension of any discovery deadline in the Case Management Plan.

Defendants' counsel has deposed Plaintiffs and Plaintiffs' counsel has commenced Defendants' depositions. Plaintiff has deposed Jamie Chandler, Defendants' employee, and intends to take testimony from Lamar Talbert, who is also currently employed by David Barton Gym. Based upon the fact that Mr. Talbert is a current employee, Defendants must produce him for a deposition. Despite the fact that Mr. Talbert is a current employee, he is unwilling to submit to a deposition. Defendants' attorney Michael J. Vollbrecht advised me of Mr. Talbert's reluctance to submit to a deposition, and requested that I allow him time to convince Mr. Talbert to appear voluntarily. Mr. Vollbrecht recently advised me that he is not able to convince Mr. Talbert to appear voluntarily. On this basis, we are in the process of serving Mr. Talbert with a subpoena. For strategic reasons, Plaintiffs intend to depose Mr. Talbert before the remaining witnesses.¹

¹ Plaintiffs anticipate the need to take three to four depositions after Mr. Talbert.

So Ordered. The court report copy of 3/16/12 is adjourned to May 11, 2012, 10:00 a.m. 2/29/12, [Signature]

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In addition, discovery was delayed in this matter because of the bankruptcy proceeding involving some of the Defendants. Although Your Honor directed the parties to commence discovery while the bankruptcy matter was still pending, Defendants were unwilling to commence depositions until it was clear that the proceeding was nearing its conclusion. This request for an extension is necessitated by the bankruptcy delay, the issue involving Mr. Talbert's deposition and the parties' prior discovery dispute.

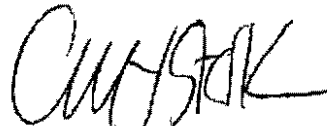
Based on the foregoing, Plaintiffs request an extension of the fact discovery deadline from February 29, 2012 to April 13, 2012. Prior to making this application, I contacted Michael J. Vollbrecht, and he consented to the adjournment.

I note that there is a Case Management Conference scheduled for Friday, March 16, 2012. If the forgoing request is granted, we request that Your Honor adjourn the March 16th conference to a date subsequent to the proposed April 13, 2012 close of fact discovery.

We thank Your Honor for considering the foregoing.

Respectfully,

THE DWECK LAW FIRM, LLP



Corey Stark (CS-3897)

cc: Michael J. Vollbrecht, Esq. (by *electronic mail*)