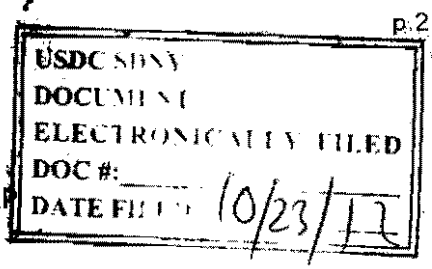


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THE DWECK LAW FIRM, LLP  
75 ROCKEFELLER PLAZA  
NEW YORK, N.Y. 10019

JACK S. DWECK\*  
H.P. SEAN DWECK\*\*  
COREY STARK\*\*\*

TELEPHONE: (212) 687-8200  
FACSIMILE: (212) 697-2521  
(212) 949-7477

WESTCHESTER OFFICE  
901 NORTH BROADWAY  
NORTH WHITE PLAINS, N.Y. 10603

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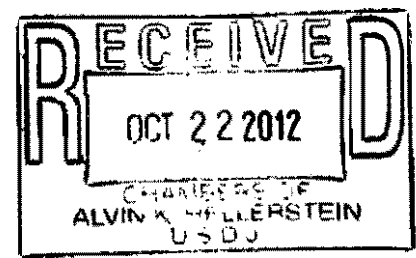
CHRISTOPHER FRASER\*\*\*

ERIC J. SCHWERTZ  
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\* ADMITTED TO N.Y., CONN. AND FLA. BARS  
\*\* ADMITTED TO N.Y. AND PA. BARS  
\*\*\* ADMITTED TO N.Y. AND N.J. BARS

*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. On September 24, 2012, the parties entered into an agreement to settle this matter. Defendants' deadline to deliver the settlement proceeds expired on October 11, 2012. Despite this, Defendants have not delivered the settlement proceeds or secured an extension of the deadline.

I write to advise Your Honor that I intend to file a motion to enforce the settlement agreement no later than tomorrow. I have refrained from filing a motion to date in reliance upon Defendants' counsel's repeated assurances that Plaintiffs would receive no later than today. In order to file the motion tomorrow, I request a one-day extension of the 30-day conditional order of dismissal.<sup>1</sup>

*So ordered  
10-23-12  
[Signature]*

Respectfully,  
THE DWECK LAW FIRM, LLP

↑  
Corey Stark (CS-3897)

<sup>1</sup> This is the second request for an extension of the Conditional Order. Each of the prior requests for an extension of the Condition Order was necessitated by Defendants' failure to deliver the settlement proceeds.