

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

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

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

TELEPHONE: (212) 687-8200

NOT FOR SERVICE OF PAPERS

CHRISTOPHER FRASER****

FACSIMILE: (212) 697-2521
(212) 949-7477

CONNECTICUT OFFICE
GRAVEL ISLAND ROAD
NEW CANAAN, CT 06840

ERIC J. SCHMERTZ
1925-2010

WWW.DWECKLAW.COM

(203) 972-3000

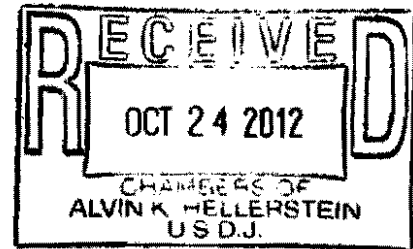
NOT FOR SERVICE OF PAPERS

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

October 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 to request a telephone conference concerning the settlement of this matter.

I submitted a motion for sanctions and to enforce the settlement agreement yesterday. I am writing this letter now based upon new and disturbing information.

The settlement proceeds will be two weeks overdue tomorrow. Defendants' counsel Michael Vollbrecht advised me last week that Defendants' insurance carrier had cut the settlement checks and forwarded them to Defendants to be filtered through Defendants' payroll system. To my surprise, Mr. Vollbrecht advised me a few moments ago that Defendants' insurance carrier has not cut the settlement checks and does not expect to do so until some time next week. At this point, I do not know what to believe. The only fact that is clear is that Defendants and Defendants' insurance carrier's conduct reflects that they lack interest in complying with the deadlines in the settlement agreement or Your Honor's conditional order. Accordingly, on behalf of my clients, I respectfully request that Your Honor intercede by conducting an immediate telephone conference.

Respectfully,

THE DWECK LAW FIRM, LLP

Corey Stark
Corey Stark (CS-3897)

cc: Michael Vollbrecht, Esq.

Denied. Complete relief can be obtained via the pending motions.
10-25-12
Alvin Hellerstein