

KAIN & ASSOCIATES
ATTORNEYS AT LAW

COMPLEX IP . COM[®]

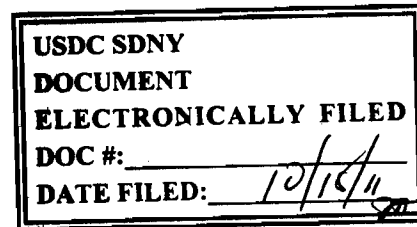
900 Southeast Third Avenue, Suite 205
Fort Lauderdale, Florida 33316
Telephone: (954) 768-9002
Facsimile: (954) 768-0158

Patent - Trademark - Copyright - Computer Law
Trade Secret - Domain Disputes

www.ComplexIP.com
Robert C. Kain, Jr. rkain@ComplexIP.com
Darren Spielman dspielman@ComplexIP.com

October 13, 2011
Via Fed Express

Hon. Paul A. Engelmayer
United States District Judge
United States District Court, S.D.N.Y.
500 Pearl Street, Room 670
Courtroom 18C
New York, NY 10007
(212) 805-4893



MEMO ENDORSED

Re: Lebewohl, 2nd Ave Deli v. Heart Attack Grill, LLC., HAG, LLC, and Jon Basso
U.S. District Court, S.D. New York, Case No. 11-CIV-3153-PAE-JCF
Our Ref.: 5087-23

Dear Judge Engelmayer:

We represent Defendants, Heart Attack Grill, LLC., HAG, LLC, and Jon Basso, in this case. The above captioned case was recently transferred to you. Subsequently, you scheduled a conference to be held for Tuesday October 25, 2011 at 4:00 p.m. in your courtroom. The undersigned counsel requests that he be permitted to attend the conference by telephone. It is burdensome to travel to New York for a 20 minute status conference hearing. Travel from South Florida requires approximately four hours of flying and ground transportation each way. As a result, the undersigned will devote a full business day for a 20 minute hearing. Opposing counsel was contacted prior to the submission of this request, and agrees to allow the undersigned to appear by telephone.

Additionally, the undersigned has another previously scheduled special set evidentiary hearing in another case in South Florida that day at 11:00 a.m. The other hearing was set in June of this year and rescheduling may be difficult because our client is not the movant on that case.

As you requested in your Order (Dkt. 22) the parties will be submitting a detailed status report, five days prior to the hearing (October 20). The undersigned will be fully prepared and capable of answering any questions or concerns that the Court may have regarding this case.

If a personal appearance is required, we request a continuance of this hearing.

October 13, 2011
Page 2

Sincerely,



Robert C. Kain, Jr.
for the Firm

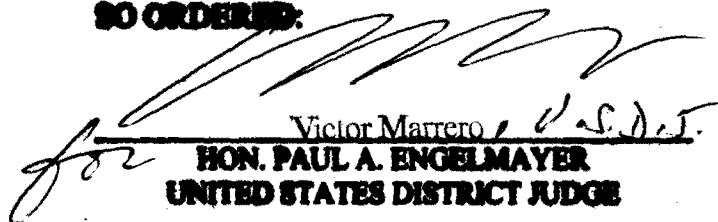
RCK/cjp
encl.

cc: William Chuang, Esq. via email

G:\RCK\CLIENTS\Heart-Attack(HAG)\Lebewohl-2nd-Ave-Deli-v-Heart-Attack\Ltr-Kain-to-Engelmayer-appear-tele-101311.wpd

Counsel for the Defendants may appear at the
October 25, 2011 conference by telephone.

SO ORDERED:


for Victor Marrero, U.S. D.C.T.
HON. PAUL A. ENGELMAYER
UNITED STATES DISTRICT JUDGE