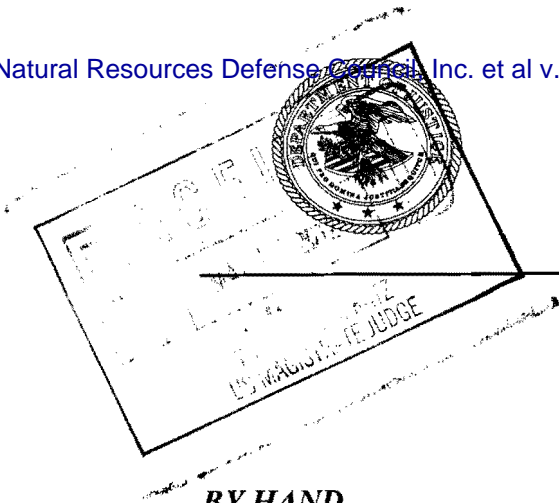
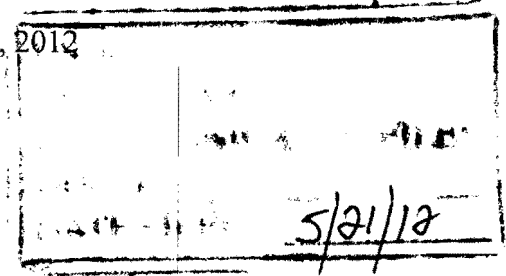


United States Attorney
Southern District of New York



86 Chambers Street, 3rd floor
New York, New York 10007

May 16, 2012



BY HAND

The Honorable Theodore H. Katz
United States Magistrate Judge
United States District Courthouse
500 Pearl Street, Room 1660
New York, NY 10007

Re: NRDC et al. v. US FDA et al., 11 Civ. 3562 (THK)

Dear Judge Katz:

I write respectfully both to request (on consent) a five-day briefing extension for reasons described below, and to enclose a courtesy copy of the Government's brief on the issue of timing of the withdrawal proceedings for the penicillin and tetracycline animal drug applications. A copy of the same was filed on the ECF system yesterday. The Government respectfully requests oral argument on this issue.

Plaintiffs' response to the Government's brief is due on May 25, 2012, and the Government's reply is due on June 1, 2012. Because the June 1 deadline follows Memorial Day weekend, we respectfully request that the Government's reply be due on June 6, 2012. We seek this extension due to anticipated difficulty in obtaining internal review and sign-off due to the holiday, as well as the fact that I am the AUSA principally responsible for this brief and I will be out of town for a family wedding from May 25-29. Plaintiffs' counsel consents to this request.

Granted,

SO ORDERED

5/21/12

THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE


Hon. Theodore H. Katz
May 16, 2012
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Thank you for your consideration of this matter.

Respectfully,

PREET BHARARA
United States Attorney

By:



ELLEN LONDON

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cc: Mitchell S. Bernard, Esq. *counsel for plaintiffs* (by electronic mail)
Jen Sorenson, Esq. *counsel for plaintiffs* (by electronic mail)