



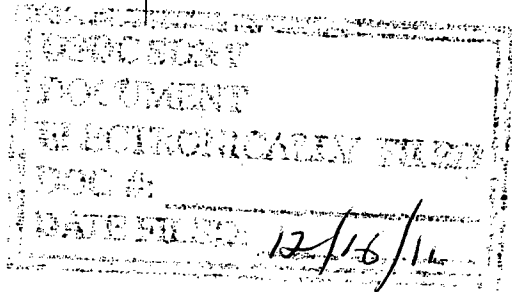
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December 15, 2011

VIA FAX: 212-805-7928

DEC 15 2011

Honorable Michael H. Dolinger
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: *Seldon v. Magedson*
11 Civ. 6218 (PAC) (MHD)

Dear Judge Dolinger:

We are in receipt of your November 30, 2011, Order, Document Number 11, indicating that the Motion to Dismiss the Amended Complaint would be deemed a reply to the original Motion to Dismiss. Defendant respectfully submits that the amendment of the Complaint mooted the first motion. Fed.R.Civ.P. 15(1)(B) and Fed.R.Civ.P.15(3) permitted Mr. Seldon to amend the Complaint in response to the original Motion and provide for a due date for a responsive pleading to the Amended Complaint.

Defendants never responded to the substantive allegations that were made by Mr. Seldon in response to the original Motion to Dismiss because they believed the original motion to be moot.

END ORDER
If defendant wishes to add anything to the motion papers currently before us, he is to do so by Dec 20, 2011.
12/16/11 [Signature]

- Gary J. Jaburg
- Lawrence E. Wilk
- Roger L. Cohen
- Mitchell Reichman
- Beth S. Cohn
- Kraig J. Marston
- Scott J. Richardson
- Ronald M. Horwitz
- Kathi M. Sandweiss
- Mervyn T. Braude
- Lauren J. Garner
- Maria Crimi Speth
- Michelle C. Lombino
- Neal H. Bookspan
- Janessa E. Koenig
- Mark D. Bogard
- David N. Farren
- Valerie L. Marciano
- David L. Allen
- Laurence B. Hirsch
- Susan E. Wells
- Bridget O'Brien Swartz
- Jennifer R. Erickson
- Kelly Brown
- Adam S. Kunz
- Laura A. Rogal
- Sharon R. Sprague
- Amy M. Horwitz
- Nichole H. Wilk

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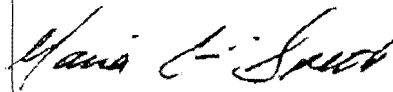
JABURG|WILK
Attorneys at Law

Honorable Michael H. Dolinger
December 15, 2011
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Defendants respectfully request an opportunity to reply. Absent such an opportunity, the Court will not have received any argument from Defendants responsive to the issues raised by Mr. Seldon regarding jurisdiction.

Sincerely,

JABURG & WILK, P.C.



Maria Crimi Speth

MCS:dag

cc: Philip Seldon
500 East 77th Street
New York, NY 10162
Pro Se

FAX Cover Sheet

Date: December 16, 2011

To:
Maria Crimi Speth, Esq.
Fax: (602)-248-0522

And by mail to:

Mr. Philip Seldon
500 East 77th Street
New York, NY 10162

Re: Seldon v. Magedson et al.
11 Civ. 6218 (PAC) (MHD)

Endorsed Order: *If defendant wishes to add anything to the motion papers currently before us, he is to do so by December 20, 2011.*

From: Magistrate Judge Michael H. Dolinger
United States District Court
Southern District of New York
500 Pearl Street, Room 1670
New York, New York 10007-1312

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