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May 1, 2013

Judge Lawrence Kahn
United States Court Judge
United States Courthouse
Albany, NY 12207

Re: *Pope v. Albany County*, 11-cv-00736 (LEK)

Dear Judge Kahn:

Defendants request an extension of time in which to file reply papers in support of their motion for summary judgment. Mr. Adam Giangreco learned today that he had suffered a death in his immediate family. Mr. Giangreco has been the assistant tasked with the vast majority of work for the summary judgment motion. Mr. Giangreco is from the Buffalo area.

Plaintiffs' counsel indicated that they lacked the capacity to determine whether to consent to this request until some undetermined point later today. Given the temporal circumstances, defendants deemed it advisable to file a request that they be given until May 20, 2013 to reply papers.

In addition, defendants ask for permission to file a reply brief of no more than 25 pages. As the Court is aware, the motion involves four separate complex issues, including an issue upon which the Circuit Courts have split. Defendants consented and the Court granted plaintiffs permission to file a responsive brief of 35 pages. Given the complexity of the issues and the number of arguments raised by plaintiffs, defendants believe that a 25 page brief will assist the Court in the full understanding of the arguments involved and into reaching a wise resolution of these issues.

This letter has been served on opposing counsel by the ECF system.

IT IS SO ORDERED:

Lawrence E. Kahn
U.S. District Judge

Dated: May 3, 2013
Albany, NY

Sincerely,

/s/ Thomas Marcelle

Thomas Marcelle