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October 9, 2012

By ECF

The Honorable Nicholas G. Garaufis  
United States District Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Gayle v. Harry's Nurses Registry, Inc. et  
ano., 07 Civ. 4672 (NGG) (MDG)

Dear Judge Garaufis:

On October 2, 2012, Your Honor "so ordered" my request for a briefing schedule with respect to plaintiffs' motion for attorney's fees. Dkt. No. 189. The order calls for service of moving papers on Thursday, October 4 (*i.e.*, 5 days ago).

Unfortunately, the order was filed at 3:19 p.m. today (October 9); I received the ECF bounce a few minutes ago. Compliance with the order is accordingly impossible.

I write with the consent of defense counsel to ask that the entire briefing schedule be adjourned one week, *i.e.*, that plaintiffs serve moving papers on Thursday, October 11, that defendants serve answering papers on Thursday, November 1 and that plaintiffs serve reply papers on Thursday, November 8.

Thank you for your attention to this matter.

Respectfully submitted,

/s/

Jonathan A. Bernstein

cc: Bernard Mitchell Alter, Esq.