



**STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL**

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Writer Direct: (518) 473-6288
October 15, 2009

Hon. David R. Homer
United States magistrate Judge
United States District Court
Northern District of New York
James T. Foley U.S. Courthouse
445 Broadway, Room 441
Albany, NY 12207

Re: *Osterweil, v. Bartlett III, et al.*
09-CV-0825 (GLS)(DRH)
Dol.# 09-099033-O

Dear Judge Homer:

Defendants herein write to request adjournment of the FRCP 16 conference currently scheduled for November 25, 2009. Defendants have filed a Motion to Dismiss the matter in its entirety and the Court has taken the motion on submit. Defendants, therefore urge that the parties should await the decision of the Court, prior to the conference and discovery since it may be unnecessary. Additionally, should the matter not be dismissed, there does not appear to be great quantity of discovery to be done prior to either motion or trial. After consultation, Plaintiff herein joins the request.

Thank you for your consideration in this matter.

Respectfully,

s/ Roger W. Kinsey

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