



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

ERIC T. SCHNEIDERMAN
Attorney General

STATE COUNSEL DIVISION
Litigation Bureau

Writer Direct: (518) 473-6522
February 8, 2011

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)

Dear Judge Homer:

On September 24, 2010, the court adjourned the dispositive motion date until 30 days after the plaintiff's pending motion to reinstate Second Amendment claims is decided by the Court. On February 4, 2010, the Court issued that determination, reinstating such claims.

Unfortunately, the Assistant Attorney General assigned to the file was hospitalized on February 3, and will be out indefinitely. May we please have 60 days, rather than 30, to make the dispositive motions herein. That is, we request that the dispositive motion deadline be extended to April 5, 2011. Mr. Osterweil has agreed to this request via the phone today.

Thank you for your consideration in this matter.

Respectfully submitted,

s/ James B. McGowan

James B. McGowan
Assistant Attorney General
Bar Roll No. 507606
James.McGowan@ag.ny.gov

cc: Alfred G. Osterweil
197 Lawson Lane
Many, LA 71449