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VIA ECF

October 3, 2016

The Honorable Vera M. Scanlon
U.S. District Court - Eastern District of New York
225 Cadman Plaza, Courtroom 504 North
Brooklyn, NY 11201

Re: Jason Montello v. USA, et al
Docket #: **1:14-cv-04164-ARR-VMS**

Dear Magistrate Scanlon:

This office represents the plaintiff Jason Montello in this matter. By way of background, this matter concerns claims of medical malpractice in regards to plaintiff's medical treatment while under the custody of, *inter alia*, the U.S Marshal's Service. There is a companion state court action involving the GEO Corporation, which was subcontracted to operate the penal facilities at issue. Parties in both actions have scheduled an October date for plaintiff's deposition to be held.

On April 22, 2016, a conference was held and an order was issued. On June 6, 2016, Your Honor issued an order for an in-person conference on October 5, 2016. Currently, there is no reason why fact discovery cannot be concluded by the end of October, as set forth in the prior order.

Unfortunately, on October 5, 2016, I am scheduled to appear in the Eastern District, Central Islip on the matter of Towns v. Nassau County, docket #2:15-cv-00990, for an initial conference with Magistrate Judge Hon. Steven I. Locke and District Court Judge Hon. Leonard D. Wexler. This conference had been adjourned numerous times due to my client's pending appeal which has since been resolved. The only other attorney in my firm admitted to the Eastern District is presently on trial in Supreme Court, Suffolk County. Therefore, I respectfully request an adjournment of this October 5th conference. Our office spoke with Ms. Dara Olds, Esq. on behalf of defendants and she has consented to this request. I do not believe this adjournment will affect any dates from the April 2016 order. We are available November 8, 9 or 10, or November 16, 2016 for an adjourned date.

This is the first application for an adjournment of any conference in this matter.

Respectfully submitted,
Asher & Associates, P.C.

/S

Roberta D. Asher

cc:

Dara Olds, Esq. (via ecf)
United States Attorney, Eastern District of New York