

ulmer | berne | llp
ATTORNEYS

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 05/14/08

RECEIVED JOHN M. ALTEN
MAY 13 2008
direct 216.583.7354
direct fax 216.583.7355
jalten@ulmer.com
KEVIN NATHANIEL FOX
U.S. MAGISTRATE JUDGE

May 13, 2008

MEMO ENDORSED

Via Facsimile - 212/805-6712
The Honorable Kevin Nathaniel Fox
U.S. District Court
Southern District of New York
500 Pearl Street, Room #540
New York, New York 10007

Re: *Desclafani v. Pnve-Mark Corp. et al.*
Case No. 07 CIV 4639 (SHS)(HP)

Dear Judge Fox:

I, as counsel for Defendants Stimsonite Corporation and Avery Dennison Corporation, have spoken with William Hepner and Jason Rubin, counsel for Plaintiff, regarding the settlement conference set in the listed matter for May 28.

As we advised in connection with the earlier-set mediation conference, in November 2007 Defendants filed a summary judgment motion regarding a threshold successor-liability issue. Upon the parties' motion, the court stayed discovery pending a ruling on the motion for summary judgment. The summary judgment motion remains pending.

In that light, the parties have conferred and believe that a mediation conference at this time will not be productive. Thus, we ask that the court adjourn the May 28 mediation until some future date (perhaps early August) so that we might receive a ruling on the pending motion in the interim.

As always, thank you for your consideration in this matter.

Sincerely,

John M. Alten

5/13/08
Application granted.
The settlement conference will be held on August 5, 2008, at 10:30 a.m.
SO ORDERED:
Kevin Nathaniel Fox

KEVIN NATHANIEL FOX, U.S.M.J.
0327/pk/1707082
29429-0032