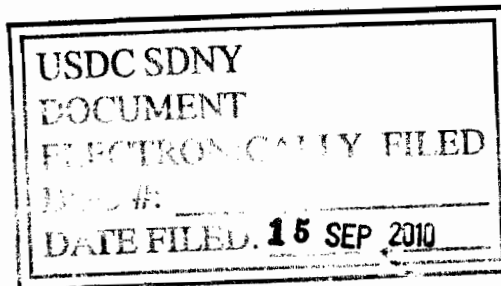


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September 14, 2010

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BY FACSIMILE - (212) 805-6736

Honorable George B. Daniels
United States District Judge
United States District Court for the
Southern District of New York
United States Courthouse
500 Pearl Street, Room 630
New York, New York 10007-1312

SO ORDERED

The conference is adjourned to
October 14, 2010 at 9:30 a.m.

15 SEP 2010 *George B Daniels*
HON. GEORGE B. DANIELS

Re: Historic Films Archive, LLC and Sofa Entertainment, Inc. v. Don Kirshner
10 Civ. 4074 (GBD)

Dear Judge Daniels:

I represent the plaintiffs Historic Films Archive, LLC and Sofa Entertainment, Inc. An initial pretrial conference has been scheduled for September 22, 2010, which had been previously adjourned by the Court at my request. The parties have engaged in settlement discussions over the summer and were hopeful to resolve the matter. Although the discussions were fruitful, they did not result in a settlement. We have not yet served the Summons and Complaint. Our last day to do so is today. We have provided a copy of the Summons and Complaint to defendant's counsel and requested that he accept service of the Summons and Complaint on behalf of the defendant. We are hopeful to hear from him within the next few days. In the interim, we request that the Court extend plaintiff's time to serve the Summons and Complaint an additional thirty (30) days and also adjourn the initial pretrial conference scheduled for September 22, 2010.

Respectfully submitted,

John D. D'Ercolo

JDD:ns

cc: David M. Levy, Esq.