

March 2, 2012

By Facsimile: (212) 805-7986

The Honorable Paul G. Gardephe
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

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| USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 3/12/12 |
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Re: Novel Commodities S.A. v. QBE Insurance Corporation, 11 Civ. 6339

Dear Judge Gardephe:

The undersigned counsel represent Plaintiff Novel Commodities S.A. ("Novel") and Defendant QBE Insurance Corporation ("QBE"), respectively, in the above-referenced case. Pursuant to the Court's Civil Case Management Plan and Scheduling Order, entered on December 23, 2011, the parties write to inform the Court that they have completed fact discovery and request to file cross-motions for summary judgment.

In support of this request, and in accordance with the Court's Individual Practices Rule 3(A), the parties agree that summary judgment is appropriate because, among other reasons, the underlying facts are largely undisputed, and the resolution of the parties' claims hinges on the interpretation of certain terms in the trade credit insurance policy QBE issued in October 2009 for the account of Novel.

The parties jointly propose the following schedule for their cross-motions for summary judgment:

1. Within 45 days of the entry of the Court's order setting the schedule for summary judgment motions, each party shall file its initial motion papers.
2. Within 30 days of the filing of the initial motion papers, each party shall file its opposition papers.
3. Within 20 days of the filing of the opposition papers, each party shall file its reply papers, which shall be limited to matters set out in the relevant opposition papers.

Due to the joint nature of this request, the parties respectfully submit that a pre-motion conference may be unnecessary.

MEMO ENDORSED

The Application is granted.

The pre-motion conference is unnecessary.

SO ORDERED:

Paul G. Gardephe
Paul G. Gardephe, U.S.D.J.

Dated: *March 9, 2012*

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March 2, 2012
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Respectfully submitted,

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