

December 10, 2015

**VIA ECF & EMAIL**

**(Failla\_NYSDChambers@nysd.uscourts.gov)**

The Honorable Katherine Polk Failla  
United States District Court for the Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: *Nicole O'Connell, et al. v. Cellceutix Corp., et al., Case No. 1:15-cv-07194-KPF*

Dear Judge Failla,

We represent Defendants Cellceutix Corporation, Leo Ehrlich, and Krishna Menon in the above-referenced matter. Pursuant to Your Honor's Rule 4(A), which governs pre-motion letters, we respectfully request that the Court allow Defendants to raise at the upcoming December 18, 2015, hearing, its request that the Court enter a briefing schedule that denies Proposed Lead Counsel the opportunity to file a Second Amended Complaint, and instead treat the Amended Complaint already filed by Proposed Lead Counsel in this matter on behalf of Proposed Lead Plaintiff (Dkt. 10) as the operative complaint in this case. This request is discussed in Part II of our letter-motion dated November 19, 2015 (Dkt. 18). Because there was only partial agreement on our letter-motion, Proposed Lead Plaintiff filed a response (Dkt. 19), and we filed a reply (Dkt. 20).

Respectfully Submitted,

By: /s/ Michael J. Sullivan  
MICHAEL J. SULLIVAN  
*Attorneys for Defendants*

cc: All counsel of record by ECF