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MEMO ENDORSED

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

The Court has no reason to enter a briefing schedule, as there is no motion to be briefed. If Defendants wish to have a briefing schedule set for a motion to dismiss, they may submit a premotion letter setting forth the basis of their proposed motion pursuant to the Court's Individual Rules. In regards to whether leave should be granted for Plaintiff to file a Second Amended Complaint, the Court will hear the parties' respective arguments at the conference scheduled for December 18, 2015, and, in preparation for the conference, shall refer to the parties' previously filed letters on this subject. (Dkt. #18, 19).

SO ORDERED.

Dated: December 11, 2015
New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE