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BY ECF

Hon. Katherine Polk Failla
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Zagami v. Cellceutix Corporation*, 1:15-CV-07194 (KPF)

Your Honor:

I write on behalf of Plaintiff to request a brief extension to file a Second Amended Complaint, from the current due date January 6, 2015 to January 11, 2015, and to correct the previously filed request in order to fully conform with the Court's individual rules of practice. No prior request for an extension of the deadline to file a Second Amended Complaint has previously been requested. I request this extension due to the fact that I am drafting two amended complaints that are due on January 4 in two other matters, as well as a response to an objection in a bankruptcy matter due January 6.

I conferred with counsel for Defendants and he does not consent to any adjournment. His stated reasons for objection are: First, according to Defendants, Plaintiffs were able to draft the complaint within a matter of hours, it was certified by the two clients of the Rosen Law Firm as being complete and accurate. Second, Plaintiffs amended their complaint once previously. Third, according to Defendants, Defendants served a notice of a motion under rule 11 probably over two months ago and Plaintiffs never did anything to amend the complaint during the safe harbor period. Fourth, Defendants believed that Mr. Kim represented to the Court that the second amended complaint was already drafted. Fifth, the court made it clear that the second amended complaint would be filed no later than January 6 and neither Mr. Stern nor Mr. Kim objected. Sixth, Defendants believe the matter is frivolous.

In brief response, Plaintiffs note 1) the original complaint was filed two months after the alleged wrongful conduct in the complaint was revealed to the market. 2) The fact that this is a second amended complaint has no relevance to a brief five day adjournment. 3) Plaintiff repeatedly requested a schedule for amending and briefing the complaint after receiving a rule 11 letter. 4) Mr. Kim merely represented to the Court that work had commenced on the Second Amended Complaint, which is accurate. Had it been complete, Plaintiff's counsel would have so informed the court and filed it promptly. 5) No objection was made at the time because Plaintiff believed at the time that the proposed deadline was sufficient.

Respectfully submitted,

/s/ Jonathan Stern

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