

MEMO ENDORSED

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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: Gary Zagami, 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 (collectively "Defendants") in the above-referenced matter. Pursuant to this Court's Order dated January 5, 2016 (Dkt. 28), Defendants' motion to dismiss is due on February 10, 2016. Pursuant to this Court's Individual Rule 4(B), Defendants respectfully move this Court for leave to file a memorandum of law exceeding 25 pages.

Specifically, Defendants seek leave to file an over-length brief of up to forty (40) pages in support of their motion to dismiss. Defendants request this relief in light of the fact they will be submitting one brief on behalf of all three Defendants, the length of the Second Amended Complaint (Dkt. 32), the number of allegations and claims asserted therein, the significance of the legal issues presented, and in order to meaningfully assist this Court in its consideration of the issues.

Defendants have not previously made any requests to exceed this Court's page limitations for any pleading. Defendants contacted Plaintiff's Counsel who stated: "We believe that 40 pages is excessive but we defer to the judge's discretion. We take no position on the request so long as we receive an equal number of pages in opposition." A proposed order reflecting Defendants' request is attached.

Respectfully Submitted,

By: /s/ Michael J. Sullivan
MICHAEL J. SULLIVAN

Application GRANTED IN PART. Defendants may have 30 pages for their memorandum in support of their motion to dismiss. Plaintiffs may likewise have 30 pages for their memorandum in opposition.

Dated: February 1, 2016
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE