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VIA ECF

September 22, 2015

Hon. Katherine Polk Failla  
United States District Court  
Southern District of New York  
40 Foley Square, Courtroom 618  
New York, NY 10007-1312

Re: Matthew Christiansen v. Omnicom Group Inc. et al., 15 CV 3440 (KPF)

Dear Judge Failla:

It is unfortunate to receive Mr. Feinstein's uncivil letter misrepresenting the facts to waste the court's time (Dkt. 26). First, he omits that I called him around 10:00 a.m. to inform I was sick and was requesting an extension. He never returned the call. He also knows that I called the court immediately this morning to inform I was sick. Finally, he knows from my e-mail that I meant I was sick when the computer texted "scheduling conflict" from my voice recognition. I explained to all counsel that was a mistake. He wrote is two page letter despite that knowledge.

His letter has absolutely no purpose other than to illegitimately confuse the court. It is of no prejudice to him if a brief three days are added for my opposition and his letter states as much by not complaining that a brief 3day extension prejudices him. I reciprocated the three days on his end too. And before this, when the other defense counsel made a late filing on July 7, I never complained or wasted the court's time with such nonsense because I follow civility. It is common for lawyers practicing in this District to agree as a professional courtesy to a first request for an extension of time to respond to a pleading. *In re Coyne Elec. Contractors, Inc.*, 231 B.R. 204, 208 (S.D.N.Y.Bkrtcy.1999) ("professional courtesy between adversaries is generally essential to the expeditious and economical resolution of disputes")

Mr. Feinstein also conceals the fact that Rule 6(b)(1) of the Federal Rules of Civil Procedure "gives the court wide discretion to grant a request for additional time." *Ramashwar v. City of New York*, 231 Fed. Appx. 26, 27–28 (2d Cir.2007) (citing 4B Wright & Miller, Federal Practice and Procedure: Civil 3d § 1165 (2002)). "[C]ourts will normally grant such applications in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party." *Don King Productions, Inc. v. Hopkins*, No. 04 Civ. 9705(PKL), 2004 WL 2997800, at \*3 (S.D.N.Y. Dec. 23, 2004) (granting request for 15–day extension of time to file motion to dismiss based on lack of bad faith and fact that limited extension would not prejudice plaintiff and case could still move expeditiously).

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I am embarrassed for Mr. Feinstein to waste time and his client's money on such nonsense and incivility when his email today states that he takes no position but later he harangues the court.

Finally, there is an issue with documents Mr. Feinstein's motion refers to but does not attach. I requested that he send me the transcript that his motion refers to many times and have not received the same. I am requesting again here that he send that and file it as an Exhibit as opposed to improperly referring to such in his papers without providing the same to me so I can properly respond. If he does not do so, I request a phone conference with the court.

I respectfully request that the Court grant my brief extension of 3 days per my letter attached hereto considering the above law and civility.

Thank you for your consideration and time in this matter.

Very truly yours,  
LAW OFFICES OF SUSAN CHANA LASK

/s Susan Chana Lask

SUSAN CHANA LASK

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Re: Matthew Christiansen v. Omnicom Group Inc. et al., 15 CV 3440 (KPF)

Dear Judge Failla:

This office represents the Plaintiff, Matthew Christiansen, in the above-captioned matter.

I respectfully request a brief three day extension to file my opposition pursuant to your motion scheduling Order (Dkt. 18) from September 21 to **September 24, 2015** with a reciprocal extension for defendants' replies from October 5 to **October 8, 2015**. This extension is requested now because I was unable to file yesterday because I was sick.

There are two counsel in this matter which Counsel for Defendant Cianciotto consents to this request and the other counsel just e-mailed that they take no position on this request. For the Court's convenience, I provided a "So Ordered" block below.

Thank you for your consideration and time in this matter.

Very truly yours,  
LAW OFFICES OF SUSAN CHANA LASK

/s Susan Chana Lask

SUSAN CHANA LASK

So Ordered

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Katherine Polk Failla, USDJ