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October 20, 2013

Shelia Ashabrenner, Case Manager
Chambers of Hon. Nancy F. Atlas, USDJ
515 Rusk Avenue
Houston, TX 77002
via e-mail: sheliaashabrenner@texasuscourts.gov

Re: Taylor III v. Frishberg
Dkt. No. 12 cv 1491 (NFA)

Dear Ms. Ashabrenner:

The Receiver, Thomas Taylor III, filed a motion for summary judgment on October 15, 2013. According to Judge Atlas's scheduling order, the last day for filing dispositive motions was October 14, 2013, and the return date for such motions was November 5, 2013. Therefore, the scheduling order would require me to respond by November 5, 2013.

I received the motion on the eve of my travel out of town, on a long-scheduled trip which includes both vacation time and the convention of the National Lawyers Guild in San Juan, Puerto Rico. While on our train down to our first stop, my wife and I were able to read the e-mailed letter from the Receiver consenting to my request for an extension, in light of my having carved out of my schedule a trip from which I will return to New York on October 29, 2013. The Receiver consented to a ten day extension of my time to file a response to his motion for summary judgment.

I am therefore writing to request of Judge Atlas an extension of my time to respond to the motion for summary judgment until November 15, 2013.

This request is made without prejudice to my possible need to bring before Judge Atlas outstanding discovery issues and to raise the need for further discovery as the basis for a further extension based on F.R. Civ. P. Rule 56 (f). However, it is my hope that these

issues will be resolved amicably between the parties, and that any request for a further extension will be on consent. I mention this concern now only because my duty of candor to the Court requires it.

Respectfully submitted,

Aaron David Frishberg

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Attorney for Daniel Frishberg and
Elisea Frishberg
Pro hac vice