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February 7, 2012

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Via Fax Only

Hon. John T. Curtin
United States District Judge
U.S. Courthouse
2 Niagara Square
Buffalo, New York 14202

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FEB 7 2012

JOHN T. CURTIN
UNITED STATES DISTRICT JUDGE
WESTERN DISTRICT OF NEW YORK

**Re: Hoyle v. Dimond et al.
08-CV-347C**

Dear Judge Curtin:

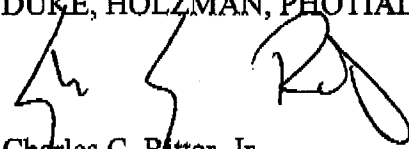
Please accept this letter in response to the February 7, 2012 letter request to the Court from Mr. Eaton regarding the above referenced matter.

On behalf of defendants, we object to any further extension of the scheduling order with regard to the pending summary judgment motion in this matter. The motion has been served for over a month, and all the materials submitted with the motion were exchanged during discovery.

If the Court is inclined to grant an extension, we request that it be much less than the time that has been requested. Currently, reply papers on the filed summary judgment are due on February 22. Mr. Eaton's request is that responses not be due until February 24. Under the circumstances, we believe an extension of no more than one (1) week would be sufficient to
Thank you for your consideration.

Respectfully submitted,

DUKE, HOLZMAN, PHOTIADIS & GRESENS LLP



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CCR/jaf

cc: K. Wade Eaton, Esq. (via fax only)