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NOT FOR SERVICE OF PAPERS

March 15, 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

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



Dear Judge Curtin:

I am writing to request an exception to this Court's Local Rule 7(a)(2)(C), limiting the page number for reply memoranda of law to ten (10) pages. We expect our reply in further support of its pending motion for summary judgment to modestly exceed that limit, given the complex issues and significance of the motion.

We appreciate that Local Rule 7(a)(2)(C) requires our application to exceed the page limitation to be made seven (7) days in advance of the date on which the memorandum must be filed. We only recently became aware of the need for additional pages for our reply memorandum. In the alternative, defendants seek an extension of time to file our reply in order that this application for additional pages be timely. To be clear, we do not require the additional time to file our reply, which presently is scheduled be filed on March 16, 2012.

Thank you for your consideration.

Respectfully submitted,

DUKE, HOLZMAN, PHOTIADIS & GRESENS LLP

Charles C. Ritter, Jr. *[Signature]*

CCR/jaf

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