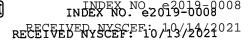


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October 13, 2021

Liam G.B. Murphy Managing Member lmurphy@shawlawfirm.com

**BY ECF and Email** The Honorable Christopher P. Baker, Justice Supreme Court of the State of New York, County of Chemung **PO Box 588** 203 William Street Elmira, NY 14902-0588

> Allen v. Mainstay Builders, LLC, Ind. No. E2019-0008 Re: (Our File No. 3205-1)

Dear Justice Baker:

As the Court is aware, Defendant has a motion in the above-captioned action originally 1. returnable on September 3, 2021, then adjourned to October 15, 2021.

The parties' counsel have been engaged in ongoing discussions addressing some of the 2. issues in the pending motion, including firming up a date for Defendant's expert to visit the site at issue.

In checking with Chambers, I understand the Court's next motion day is December 3, 3. 2021.

Based on all these facts, Defendant requests a second adjournment of the return date for 4. the pending motion to Your Honor's December 3, 2021 motion term. Plaintiff consents to the requested adjournment. Defendant will submit its reply papers on or before December 1st if the parties are unable to resolve the motion issues by that date.

We ask the Court to confirm the second adjournment and re-scheduling at its earliest 5. convenience.

## LGBM:

William VanDelinder, Esquire, Law Clerk cc: wvandeli@nycourts.gov Luciano Lama, Esquire NLama@LamaLaw.com; via NYSCEF Mr. Peter Wright Via email

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**Jason** Violette

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tacretury & Anouted. " Respectfully. HON. CHRISTOPHER P. BAKER HON. CHRISTOPHER P. BAKER U[]3/11 William R. Shaw Senior Mem<sup>1</sup>

Bonnie M. Cady Andrea L. Simoens DeAnna Eastburn