



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

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

Dear Justice Baker:

1. As the Court is aware, Defendant has a motion in the above-captioned action originally returnable on September 3, 2021, then adjourned to October 15, 2021.
2. The parties' counsel have been engaged in ongoing discussions addressing some of the issues in the pending motion, including firming up a date for Defendant's expert to visit the site at issue.
3. In checking with Chambers, I understand the Court's next motion day is December 3, 2021.
4. Based on all these facts, Defendant requests a second adjournment of the return date for 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 1<sup>st</sup> if the parties are unable to resolve the motion issues by that date.
5. We ask the Court to confirm the second adjournment and re-scheduling at its earliest convenience.

Respectfully,  
*Liam G.B. Murphy*

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

\* Shouted.  
"So Ordered"  
*Chambers*  
HON. CHRISTOPHER P. BAKER  
10/13/21

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Liam G. B. Murphy  
Managing Member  
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Natanya E. DeWeese  
Associate  
~  
Jason Violette

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109 E. Seneca Street, Ithaca, NY 14850  
607.273-2900 (v) 607.273.2933(f)  
shawlawfirm.com  
Ithaca ~ Groton ~ Trumansburg

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William R. Shaw  
Senior Member  
~  
Paralegals  
Bonnie M. Cady  
Andrea L. Simoens  
DeAnna Eastburn