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September 21, 2009

Hon. David S. Ritter
Supreme Court
Orange County Government Center
255-275 Main Street
Goshen, New York 10924

VIA FACSIMILE
(845) 291-3043

RE: Lopez v. Newburgh Community Development, et al
Index No.: 3984/09
Motion Return Date: 09/24/09


Dear Judge Ritter:

A motion to dismiss is currently returnable before Your Honor on September 24, 2009. This letter is to advise the Court regarding ongoing conversations that have occurred between the parties in an effort to resolve issues that form the basis for the motion. Pursuant to discussions with Michael Catania, Esq., who is appearing on behalf of Newburgh Community Development Agency and the City of Newburgh, it is my understanding that Mr. Catania is currently awaiting authorization from Newburgh Community Development Agency to admit ownership of the property where my client's injury occurred. Newburgh Community Development Agency had previously denied ownership of the property in its Verified Answer dated 07/29/09. Upon such an admission of ownership, the plaintiff will be in a position to discontinue the action against the City of Newburgh, thereby disposing of the motion. Mr. Catania has advised that he will consent to a 30 day extension of the return of the motion for this purpose. We are hereby requesting that the Court grant this extension so these issues can be resolved.

Respectfully submitted,


PETER C. McMAHON

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