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December 28, 2012

Honorable Vincent L. Briccetti
United States District Court
Southern District of New York
300 Quarropas Street, Room 630
White Plains, NY 10601

Re: Teitelbaum v. Rubenstein, et al.
Case No.: 12-CV-2858
Our File: 2012-00136

*Clerk is instructed
to docket this
letter.
WBu USDT
1/2/13*

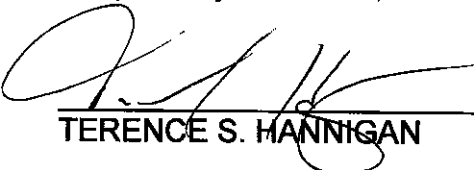
Dear Judge Briccetti:

This firm represents defendant David Rubenstein. A motion to dismiss was filed by the defendant on December 18, 2012, and is returnable January 11, 2013.

We are in receipt of plaintiff Jacob Teitelbaum's letter to you dated December 23, 2012, in which he addresses Point 1 of our motion regarding service of the Amended Complaint. Plaintiff references Document 36 ("Process Receipt and Return") as evidence of service of the Amended Complaint. This Process Receipt is dated June 26, 2012 by the plaintiff; June 29, 2012 by the U.S. Marshals as being received; and July 3, 2012 as being served. However, the accompanying "Statement of Service by Mail and Acknowledgement of Receipt by Mail of Summons and Complaint" is dated June 1, 2012. This Court addressed the confusion over what was actually served on July 31, 2012, when it directed plaintiff to serve defendant Rubenstein with the Amended Complaint (see Document 40). No such service was accomplished.

In regard to Mr. Teitelbaum's letter of December 23, 2012, we have no objection to his request for an extension of time to serve opposition papers.

Respectfully submitted,


TERENCE S. HANNIGAN

TSH:jlc

cc: Jacob Teitelbaum
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Honorable Vincent L. Briccetti
December 27, 2012
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