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March 3, 2015

**VIA ECF**

The Honorable Andrew J. Peck  
United States Magistrate Judge  
United States Courthouse, Courtroom 20D  
500 Pearl Street  
New York, NY 10007-1312

USDC SDNY  
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*Re: Beacon Associates LLC I, et al. v. Beacon Associates Management Corp.  
Civil Case No: 14-cv-2294 (AJP)*

Dear Judge Peck:

With respect to the currently scheduled briefing on the "holdback" issues, as I suggested at the last hearing on I might due to problems with arranging the move of my office, I am writing to request a short adjournment of the date for submission by all parties and participating investors of opening briefs only, from the present date of March 6, 2015, to Thursday, March 12. The date for submitting answering briefs would remain as currently scheduled, at March 23, and therefore there would be no impact from this change on the speed of resolution of the issues in dispute.

I have reached Mr. Hurley, counsel for the Aijed entities, and he consents to this adjournment, as does Mr. Jakoby, counsel for the Beacon Funds, and Mr. Whitely, counsel for the Income Plus parties.

If the adjournment is granted, I will work with Mr. Jakoby to ensure that all investors who have indicated an interest in participating in the briefing will have notice of the change.

3/3/15

Respectfully,

Max Folkenflik

**MEMO ENDORSED**

MF/ec

SO ORDERED:

  
Hon. Andrew Jay Peck  
United States Magistrate Judge

WYKOP, Ad Council

**BY ECF**

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Hon. Andrew J. Peck  
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cc: Arthur Jakoby, Esq. (*via email*)  
Brian Whitely, Esq. (*via email*)  
Leah Kelman, Esq. (*via email*)  
Rachel Presa, Esq. (*via email*)  
Mitchell Hurley, Esq. (*via email*)