

LAW OFFICE OF
HENRY M. GRUBEL, P.C.
37 Prospect Street
Freeport, New York 11520

Phone: 516-623-4130 Fax: 516-623-1989

February 13, 2006

Via Federal Express

Roseann B. MacKechnie
Clerk of the Court
Court of Appeals, Second Circuit
Thurgood Marshall U.S. Court House
40 Foley Square Room 1803
New York, NY 10007

Re: Civ. No 05-0609-cv, LoPresti c. Citigroup, Inc.; United States District Court for the Eastern District of New York

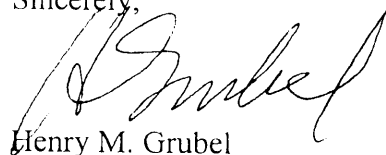
Dear Ms. MacKechnie:

Enclosed for filing in the above – referenced matter, attached is the original and four copies of appellant’s motion to adjourn the oral hearing on this appeal from March 20, 2006 to a date after April 15, 2006.

Please file-mark the extra copy and return it to me in the enclosed self –addressed Fed Ex envelope. A copy of the enclosed is being provided to all counsel of record by FedEx priority overnight.

Thank you for your assistance in this matter.

Sincerely,



Henry M. Grubel

05-0609 cv

**In the United States Court of Appeals
for the Second Circuit**

LoPresti v. Citigroup, Inc.

On Appeal from the United States District Court

For the Eastern District of New York

Appellant's Motion for

Adjournment of the Hearing Date on this Appeal

Henry M. Grubel, P.C.
37 Prospect Street
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[Tel] 516-623-4130
[Fax] 516-623-1989
Attorney for the Appellant

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
Thurgood Marshall U.S. Courthouse at Foley Square 40 Centre Street, New York, N Y 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Caption: [use short title]

Docket Number(s): 05-0609-cv

LoPresti v. Citigroup, Inc

Motion for: Adjournment of Argument

Set forth below precise, complete statement of relief sought:

Appellant seeks deferral of oral argument from March 20, 2006 to
after April 15, 2006

MOVING PARTY:

- Plaintiff Defendant
 Appellant/Petitioner Appellee/Respondent

OPPOSING PARTY:

MOVING ATTORNEY: Henry M. Grubel, Esq.
[name of attorney, with firm, address, phone number and e-mail]

Henry M. Grubel, P. C.

37 Prospect Street

Freeport, NY, 11520 (516) 623-4130

recallit@aol.com

OPPOSING ATTORNEY [Name]: Gregroy S. Coleman, Esq.
[name of attorney, with firm, address, phone number and e-mail]

Weil Gotshal & Manges, LLC

8911 Capital of Texas Hwy., Suite 13450

Austin, Texas 78759 (512) 349-1930

greg.coleman@weil.com

Court-Judge/Agency appealed from: United States District Court, Eastern District, New York - Judge Sterling Johnson, Jr.

Please check appropriate boxes:

Has consent of opposing counsel:

- A. been sought? Yes No
B. been obtained? Yes No

Is oral argument requested? Yes No
(requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? Yes No If
yes, enter date: March 20, 2006

Signature of Moving Attorney:

Date: 2/13/06

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND
INJUNCTIONS PENDING APPEAL:

Has request for relief been made below? Yes No

Has this relief been previously sought
in this Court? Yes No

Requested return date and explanation of emergency:

Has service been effected? Yes No
[Attach proof of service]

ORDER

IT IS HEREBY ORDERED THAT the motion is GRANTED DENIED.

FOR THE COURT:

ROSEANN B. MacKECHNIE, Clerk of Court

By:

Date:

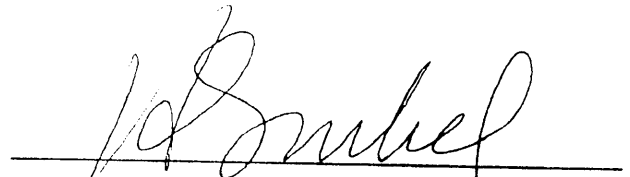
Motion

Appellant LoPresti, respectfully moves to defer oral argument of this appeal from March 20, 2006 until a date after April 15, 2006

The notice of hearing was dated February 6, 2006 (see exhibit A).

Respectfully submitted,

Dated: February 13, 2006
Freeport, New York

A handwritten signature in cursive script, appearing to read 'H. Grubel', is written over a horizontal line.

HENRY M. GRUBEL (HG)(3211)
HENRY M. GRUBEL, P.C.
Attorney for Appellant
37 Prospect Street
Freeport, New York 11520
Phone: 516-623-4130
Fax: 516-623-1989

Date: 2/6/06
Docket Number: 05-0609-cv
Short Title: LoPresti v. Citigroup, Inc.
DC Docket Number: 02-cv-6492
DC: EDNY (BROOKLYN)
DC Judge: Honorable Sterling Johnso

NOTICE OF HEARING DATE

Date of Hearing: MONDAY, March 20, 2006

**Time Allotted for Oral Argument: LoPresti, et al (12 mins) Citigroup(4 mins.)
Lutheran Medical(4 mins.) Buck Cons.(4 mins.)**

The above referenced appeal is scheduled for oral argument on the day indicated in Courtroom 1505 (15th floor), Thurgood Marshall United States Courthouse, 40 Centre Street (at Foley Square), Manhattan, New York City.

Court convenes promptly at 10:00 a.m. Counsel and non-incarcerated pro se litigants must be present for argument unless earlier excused. Motions to adjourn argument must be promptly made and will be granted for grave reason only.

Counsel and non-incarcerated pro se litigants presenting oral argument must register with the courtroom deputy no later than 9:45 a.m., either by appearance in the courtroom or by phone from the VideoArgument Center, whichever applies.

Counsel and non-incarcerated pro se litigants may seek the Court's permission to waive oral argument by submitting a letter request to the Office of Clerk (attention Calendar Deputy) not later than five days before the hearing week.

Counsel and non-incarcerated pro se litigants **whose panel is sitting in courtroom 1505** may elect to present oral argument from any of the Second Circuit Video-Argument Centers by notifying the Calendar Deputy in writing AS SOON AS POSSIBLE after receipt of this notice. A form is attached for your convenience. A notice regarding the Center is enclosed, and counsel are encouraged to call the Calendar Deputy for further details.

Report all settlements to the Calendar Deputy as soon as effected. Ordinarily, and subject to the ruling of the presiding judge, motions or stipulations to withdraw with prejudice will be granted without appearance by counsel, but motions or stipulations to withdraw without prejudice filed within three business days of the argument will be considered at the time of argument, with counsel present and prepared to argue the merits.

ROSEANN B. MACKECHNIE, Clerk

Complete Items below and return copy of entire form to the Clerk's Office

Name of the Attorney/Pro Se Presenting argument:

Firm Name (IF APPLICABLE):

Current Telephone Number:

The above named Attorney Represents:

APPELLANT-PETITIONER

INTERVENOR

APPELLEE-RESPONDENT

AMICUS CURIAE

Date: _____ Signature: _____

E. Mackechnie

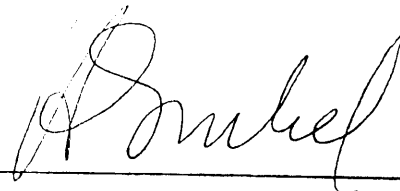
I, Henry M. Grubel attorney for the appellant herein, respectfully submits this affidavit in support of appellant's motion for a request for an adjournment of the hearing date on this appeal from March 20, 2006 until after April 15, 2006.

On January 30, 2006, I unexpectedly underwent triple vessel coronary artery bypass graft surgery. I was discharged from the hospital on February 6, 2006 for eight weeks of recuperation during which time I am not permitted to drive a car and am, otherwise on restricted activity.

Wherefore, it is respectfully requested that the hearing on the appeal be adjourned to a date after April 15, 2006

I, Henry M. Grubel, certify under penalty of perjury that I am the attorney for the appellant in this action, that I have read this affidavit in support of appellant's motion for an adjournment of the hearing on this appeal, and that, to the best of my knowledge, information, and belief the allegations are true and correct, and that this affidavit is not interposed for delay or other improper purposes.

Dated: February 13, 2006
Freeport, New York



HENRY M. GRUBEL (HG)(3211)
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Attorney for Appellant
37 Prospect Street
Freeport, New York 11520
Phone: 516-623-4130
Fax: 516-623-1989

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

-----X
CARMINE A. LoPRESTI,

Appellant,

05-0609-cv

-against-

CERTIFICATE OF SERVICE

CITIGROUP, INC., et. al.

Appellees.

-----X
On February 13, 2006, counsel for the appellant, served the affidavit in support of the motion to defer oral argument, upon counsel for the appellees who have appeared in this action as follows. All were served two copies by Fed Ex priority overnight service:

Gregory S. Coleman, ESQ
Weil, Gotshal & Manges, LLP
8911 Capital of Texas Hwy., Suite 13450
Austin, TX 78759
Phone: 512-349-1930
Fax: 512-527-0798

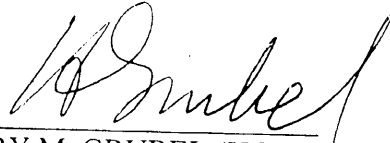
Attorneys for Citigroup, Inc., Don Goldstein, Citistreet, LLC; Citistreet Associates, LLC; Citistreet Equities, LLC; Citistreet Financial Services, LLC; Travelers Insurance Company, Mayda Casado, Jean Desjardins, Jim Wilson, Salomon Smith Barney, Inc.; Smith Barney Corporate Trust Company; Sanford I. Weill, State Street Corporation; and David A. Spina

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1065 Avenue of the Americas
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Fax: 212-930-9725

Attorneys for Wendy Z. Goldstein, Miles H. Kucker, Allen Schechter, Howard Smith, William D. Myhre, Lutheran Medical Center

David Covey, Esq.
Sedgwick, Detert, Moran & Arnold
125 Broad Street, 39th Floor
New York, NY 10004
Phone: 212-422-0202 Fax: 212-422-0925
Attorneys for Buck Consultants; and Buck Consultants, Inc.

Dated: February 13, 2003
Freeport, New York



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