

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: _____

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
THURGOOD MARSHALL U.S. COURT HOUSE
40 FOLEY SQUARE
NEW YORK 10007

Roseann B. MacKechnie
CLERK

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VIDEO ARGUMENT REQUEST

Date of Hearing: _____

Party Represented: _____

Remote Site: _____

I hereby request approval to argue this appeal from the Remote Site indicated above on the date set by the Court, also indicated above.

Signature

Name (typed)

RETURN NOTICE WITHIN 5 BUSINESS DAYS OF [date form is created].

NOTICE TO THE BAR

Offsite Video Argument. Attorneys and non-incarcerated pro se litigants may present oral argument to the Second Circuit from any video-argument center which is listed on the attached sheet. Although a request for an offsite location is left to the discretion of the judge who will preside at the argument of the appeal. **Attorneys or pro se parties wishing to present their oral argument from a remote site must complete and submit the Video Argument Request Form, which is also attached, to the Calendar Clerk in the Clerk's Office at Foley Square no more than ten (10) business days after the date of the Firm Notice which is the notice informing the parties of the day and time that oral argument has been scheduled. In addition, a party must later confirm the request for a video argument by calling any member of the Calendar Team at 212-857-8595 at least three (3) business days before the argument.**

Using the video centers is easy. On the day of argument, the party at the remote site must telephone the courtroom deputy at 212-857-8595, watch argument on the offsite monitor until the party's case is called, step to the podium and begin oral argument. An assistant at the video argument center will provide guidance. There is no equipment to operate and there are no special procedures to follow during oral argument.

Just one, or all parties can argue by video conference. Counsel will be able to see and hear each of the judges on a split-screen monitor. The screen will also include a timer so that a party will know how much argument time has elapsed. In the courtroom at 40 Foley Square, each judge can observe counsel arguing at the offsite location on an individual screen on the bench and on a larger monitor, near the podium, facing the bench. Counsel arguing from offsite locations will also be seen on two large monitors which face the audience in the courtroom and which have been positioned on either side of the courtroom at 40 Foley Square. Counsel presenting argument from the courtroom are seen at the offsite centers in a "picture-in-picture" insert. In short, judges, counsel, and spectators in the courtroom will be able to see and hear each other as they would if all were in the courtroom. All voices will be heard over a courtroom sound system. All images will be in color and will show full motion.

For further information about offsite video arguments, please contact the Calendar Team at 212-857-8595.

Audio Tape of Argument. An audio tape of an argument may be purchased for \$26 per tape by written request to the Clerk. The request should include the case name, the docket number and the date of oral argument. Tapes will be delivered by first class mail unless the request instructs to hold for pick-up or requests Federal Express Service, in which case a Federal Express account number and envelope must be provided.

Court Reporters. Parties may arrange - at their own expense - for an official court reporter to transcribe argument from a copy of the hearing tape or to attend and transcribe the hearing directly. A party must first obtain written consent from opposing counsel - or move the Court for permission - to have the court reporter attend and transcribe the hearing and must provide the calendar clerk written notice, including the name, address and telephone number of the attending reporter and, if applicable, the reporting firm at least one week prior to the hearing date.

An original and three (3) copies of the transcript **must** be submitted to the Clerk for approval by the panel that heard the case; transcripts will not be officially filed until approved.

Interpreter Services for the Hearing Impaired. Counsel requiring sign interpreters or other hearing aids must submit a written request to the Calendar Team at least two weeks before oral argument.

VIDEO ARGUMENT SITES

SITE	ADDRESS	VIDEO DIAL-IN NUMBER	VIDEO ROOM PHONE NO.	CONTACT PERSON	CONTACT NO.	CLERK OF COURT	TELEPHONE NO.
Hartford, CT	U.S. Courthouse 450 Main Street Room 344	860-692-9448		Fidelis Basiles Martha Gather	860-240-3353 860-240-3202	Kevin Rowe	203-773-2140
Albany, NY	James T. Foley Court 445 Broadway 5 th Floor	518-449-5176	518-257-1828	Maurice Christopher	518-257-1771	Larry Baerman	315-234-8500
Buffalo, NY	U.S. District Court 304 U.S. Courthouse 68 Court Street	716-332-7800		Pat Healy Diane Radloff	716-332-1770 716-332-1713	Rodney Early	716-551-4211
New York, NY	U.S. Court of Appeals, 2d Circuit 40 Foley Square Room 1705	212-298-9802 212-298-9803 212-298-9800	212-857-8598	Rosa Diaz Alfredo Galan Jeanine Cook	212-857-8593 212-857-8592 212-857-8594	Roseann MackKechnie	212-857-8500
Rochester, NY	U.S. Courthouse 100 State Street Room 2200C	585-232-4515	716-263-6263	Tracey O'Fray Daria Indralingam	585-613-4018 585-613-4301	Rodney Early	716-551-4211
Syracuse, NY	U.S. Courthouse 100 So. Clinton Street Room 1440	315-422-6188	315-448-0522	Rick Heuser	315-234-8527	Larry Baerman	315-234-8500
Brattleboro, VT	U.S. Post Office & Courthouse 204 Main Street Room 201	802-254-0227		Austin Burbank Jason Bushey Michael Dunavin	802-254-0250 802-951-6395 X 125 802-951-6395 X 122	Richard Wasko	802-951-6395 X 111
Burlington, VT	Federal Building & Courthouse 11 Elmwood Avenue Room 506	802-651-8964		Michael Dunavin Jason Bushey	802-951-6395 X 122 802-951-6395 X 125	Richard Wasko	802-951-6395 X 111
Rutland, VT	U.S. Bankruptcy Court The Opera House 67 Merchants Row 2 nd Floor	802-776-2039		Gary Gfeller David Sime	802-776-2015 802-776-2011	Thomas J. Hart	802-776-2000