UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse at Foley Square • • Centre Street, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Caption: [use short title]

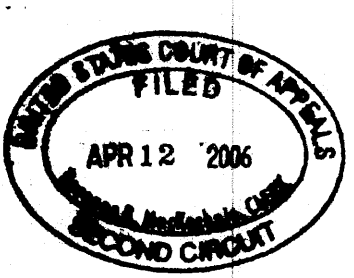
LoPresti v. Citigroup, Inc.

Docket Number(s): 05-0609-cv

Motion for: Leave to serve late petition for rehearing

Set forth below precise, complete statement of relief sought:

Have the court accept petition for rehearing that was one day late



MOVING PARTY: _____

☒ Plaintiff ☐ Defendant

☐ Appellant/Petitioner ☐ Appellee/Respondent

OPPOSING PARTY: _____

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

Weil Gotshal & Manges, LLC
737 Fifth Avenue
New York, NY 10153 (212) 310-8000
david.lender@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 it was submitted on 3/20/06 & decided 3/26/06

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

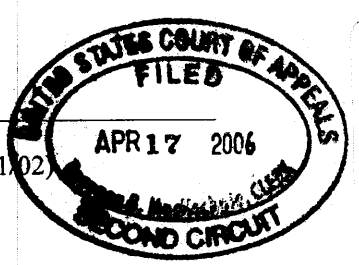
Requested return date and explanation of emergency:

Signature of Moving Attorney: _____ Date: 4/11/06

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
by _____
Arthur M. Heller, Motions Staff Attorney

Date: _____

Form T-1080 (Revised 10/31/02)