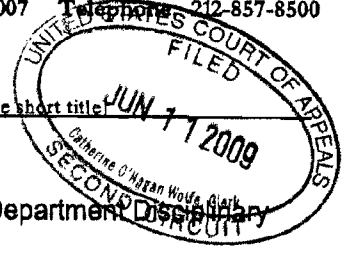


MOTION INFORMATION STATEMENT



Docket Number(s): 08-4873-cv

Caption Use short title: Bernstein, et al.
 v

Motion for: Extension of Time

Appellate Division First Department Disiplinary Committee, et al.

Set forth below precise, complete statement of relief sought:

Appellant seeks a reasonable Extension of time requesting minimum of 30 days from June 10, 2009 the current due date for filing Reply briefs to all of the Opposition Briefs due to a diagnosis of Kidney Stones on May 24, 2009 which could not be surgically removed due to size and position and where they have now proscribed Flomax for 3-4 weeks in efforts to pass or move the stone prior to surgery. Plaintiff has been unable to work or focus on these matters since diagnosis due to extreme pain, as of May 24th, additional Narcotics were prescribed for the Kidney Stone above and beyond those necessary for the ongoing facial reconstructive surgeries pain. The estimated time to recovery is a minimum of 3-4 weeks if able to pass or 4-6 weeks if surgery becomes necessary.

Elkot I. Bernstein

Supreme Court of NY Appellate Division First Dept DDC

- Plaintiff Defendant
 Appellant/Petitioner Appellee/Respondent

MOVING ATTORNEY: Elkot I. Bernstein
 [name of attorney, with firm, address, phone number and e-mail]
2753 NW 34th St
Boca Raton, FL 33434
(561) 245-8588
iviewit@viewit.tv

OPPOSING ATTORNEY [Name]: NYAG et al.
 [name of attorney, with firm, address, phone number and e-mail]

Court-Judge/Agency appealed from: US District Court - Southern District of New York

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 _____

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:

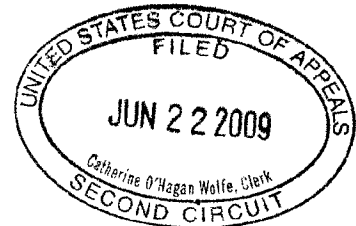
Signature of Moving Attorney:  Date: June 05, 2009

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

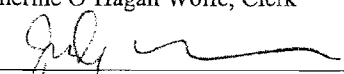
ORDER

Before: Hon. Ralph K. Winter, Circuit Judge

IT IS HEREBY ORDERED that Appellant's motion for an extension of time is GRANTED. However, the case is to be treated by the clerk as ready for calendaring without regard to whether a reply brief has been filed.



JUN 22 2009
 Date

FOR THE COURT:
 Catherine O'Hagan Wolfe, Clerk
 by 
 Judy Bisnanton, Motions Staff Attorney