

United States Court of Appeals FOR THE SECOND CIRCUIT

Each motion must be accompanied by a supporting affidavit.

SASSOWER V. MANGANO

96-7805

Docket Number

NOTICE OF MOTION

state type of motion

for three-week extension to file brief
from 2/18/97 to 3/11/97

Use short title

MOTION BY: (Name, address and tel. no. of law firm and of attorney in charge of case)

N.Y.S. Dep't of Law by Jay T. Weinstein, AAG
120 Broadway, 24th Floor
New York, New York 10271
(212) 416-8573

OPPOSING COUNSEL: (Name, address and tel. no. of law firm and of attorney in charge of case)

Doris L. Sassower
Plaintiff Appellant Pro Se
283 Soundview Avenue
White Plains, New York 10606
(914) 997-1677

Has consent of opposing counsel:

A. been sought?

Yes No

B. been obtained?

Yes No

Has service been effected?

Yes No

Is oral argument desired?

Yes No

(Substantive motions only)

Requested return date:

(See Second Circuit Rule 27(b))

Has argument date of appeal been set:

A. by scheduling order?

Yes No

B. by firm date of argument notice?

Yes No

C. If Yes, enter date: _____

EMERGENCY MOTIONS, MOTIONS FOR STAYS & INJUNCTIONS PENDING APPEAL

Has request for relief been made below? Yes No

(See F.R.A.P. Rule 8)

Would expedited appeal eliminate need for this motion?

Yes No

If No, explain why not:

Will the parties agree to maintain the status quo until the motion is heard?

Yes No

Judge or agency whose order is being appealed:

John E. Sprizzo

Brief statement of the relief requested:

Three-week extension of time to file brief, from February 18, 1997 to March 11, 1997

Complete Page 2 of This Form

By: (Signature of attorney)

Appearing for: (Name of party)

Appellant or Petitioner:

Plaintiff Defendant

Appellee or Respondent:

Plaintiff Defendant

Signed name must be printed beneath

Defendants-Appellees

Date

Jay T. Weinstein

2/12/97

ORDER

Kindly leave this space blank

IT IS HEREBY ORDERED that the motion be and it hereby is granted denied

EX "C"

Previous requests for similar relief and disposition:

None.

Statement of the issue(s) presented by this motion:

Should Appellee's be granted an extension of time to file their brief considering the numerous extensions totaling nearly five months for Appellant to file her brief and the need for extra time to oppose a seventy six page brief.

Brief statement of the facts (with page references to the moving papers):

See Affidavit of Jay T. Weinstein, dated February 12, 1997, annexed.

Summary of the argument (with page references to the moving papers):

See attached affidavit.

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

SASSOWER V. MANGANO

AFFIDAVIT OF
ASSISTANT ATTORNEY
GENERAL JAY T. WEINSTEIN

Docket No. 96-7805

STATE OF NEW YORK)
 : SS.
COUNTY OF NEW YORK)

JAY T. WEINSTEIN, being duly sworn, deposes and says:

1. I am an Assistant Attorney General in the Office of DENNIS C. VACCO, Attorney General of the State of New York, Attorney for Appellees in the above-captioned appeal.

2. Appellees request that their deadline for filing their brief be extended by three weeks, from February 18, 1997 to March 11, 1997. An extension of time is necessary to oppose the issues raised in Appellant's oversized seventy-six page brief. Considering that Appellant's time to file her brief was extended on numerous occasions for a total of nearly five months, fairness compels that Appellee's request for a three-week extension be granted.

2. By Civil Appeals Scheduling Order #1, dated July 18, 1996, Appellant Sassower's brief and appendix was ordered to be filed on or before August 19, 1996.

3. By Notice of Motion dated August 1, 1996, Appellant moved to supplement the record, for a 90-day extension of time to file her brief after the record was supplemented, and to make

further motions.

4. By Order dated September 17, 1996, Appellant's motion was granted to the extent that the record on appeal was to be filed on or before October 17, 1996, appellant's brief and joint appendix was to be filed on or before October 24, 1996, appellee's brief was to be filed on or before November 25, 1996, and oral argument was to be heard as early as the week of December 16, 1996.

5. On November 8, 1996, a Pre-Argument Conference was held before Staff-Counsel Stanley A. Bass.

6. By Order dated November 8, 1996 the record on appeal was to be filed on or before December 2, 1996, appellant's brief and joint appendix was to be filed on or before December 16, 1996, and the brief for appellee was to be filed on or before January 27, 1997.

7. By Notice of Motion dated December 11, 1996, Appellant moved for an extension of time from December 16, 1996 to January 6, 1997 to file her brief and the record.

8. By Order dated December 13, 1996, Appellant's December 11, 1996 motion was granted "with the understanding that no further extensions of time will be requested by appellant herein." Appellant's brief and the Joint Appendix was to be filed by January 6, 1997, and Appellee's brief was to be filed by February 10, 1997.

9. By Notice of Motion dated December 19, 1996, Appellant moved to file an oversized brief of an additional twenty-five pages.

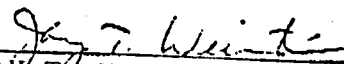
10. By Order dated January 2, 1997, Appellant's December 19, 1996 motion was granted to the extent that she was to file a brief not exceeding seventy-five pages in length.

11. By Notice of Motion dated January 10, 1997, Appellant moved for a four-day extension of time, after-the-fact, to file her brief and record on appeal on January 10, 1997, rather than January 6, 1997.

12. By Order dated January 16, 1997, Appellant's January 10, 1997 motion was granted. The time for Appellees to file their brief was re-set to February 18, 1997, and leave given to Appellant to file an over-size brief of seventy-six pages.

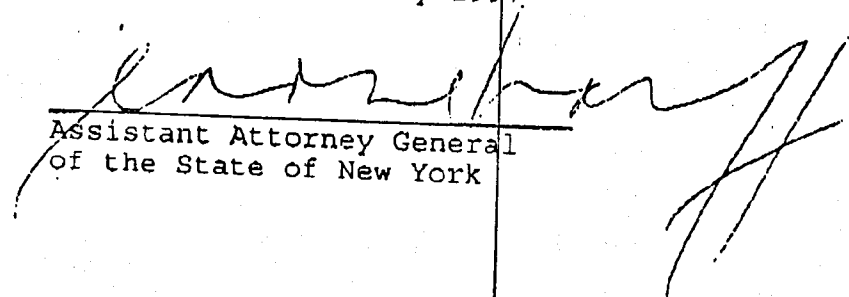
WHEREFORE, Appellees request that their time for filing their brief be extended by three weeks, from February 18, 1997 to March 11, 1997.

Dated: New York, New York
February 12, 1997



JAY T. WEINSTEIN
Assistant Attorney General

Sworn to before me this
12th day of February 1997.



Assistant Attorney General
of the State of New York