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June 17, 2013

FILED VIA ECF

Honorable Dennis M. Cavanaugh
United States District Judge
U.S. Post Office & Courthouse Building, Room 451
P.O. Box 999
Newark, New Jersey 07101-0999

Re: United States v. Paul W. Bergrin,
Docket No. 09-369

Dear Judge Cavanaugh:

As Your Honor is aware, this Firm serves as standby counsel to defendant Paul Bergrin in the above-captioned matter. I write on behalf of Mr. Bergrin to bring a matter to the Court's attention that will likely affect the proposed schedule for sentencing in this matter, and, given that circumstance, which is described below, to respectfully request a brief extension of time within which to file the defense's reply to the Government's Memorandum of Law in Opposition to Defendant's Post-Trial Motions.

Late Friday, June 14, 2013, this Firm received the draft presentence investigation report in the above-captioned matter; Mr. Bergrin has, as of this writing, not yet received it himself. However, Standing Order 00-1 for the United States District Court for the District of New Jersey requires that the draft presentence investigation report be disclosed to the defendant not less than 50 calendar days prior to the date set for sentencing. This period extends beyond the current anticipated date for sentencing in this matter, July 18, 2013; the Standing Order, which governs this matter, would not allow for sentencing until August 9, 2013, at the earliest. Mr. Bergrin believes that he requires every day that he is allowed in order to prepare for sentencing, and is certainly not willing to waive the periods set forth in the Standing Order. Accordingly, he respectfully requests that sentencing be rescheduled accordingly.

In light of this circumstance, Mr. Bergrin also seeks an additional seven (7) days within which to file his reply to the Government's Memorandum of Law in Opposition to Defendant's Post-Trial Motions. As the Court may recall, the reply is currently due June 19, 2013, which schedule was put into place so as not to disturb the then-anticipated sentencing date. Since that date will, assuming the Court agrees to adjourn the sentencing as required by the Standing Order, and in particular, because of the press of other matters, as a result of which we will not have the opportunity to meet with Mr. Bergrin prior to filing if the June 19, 2013 date were to remain, we respectfully request to file the reply on June 26, 2013, one week later than anticipated. We have spoken to Assistant U.S. Attorney Steven G. Sanders, on behalf of the United States, who reports that the Government does not oppose this request.

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Of course, if the Court has any questions or concerns with regard to this request, please do not hesitate to contact me. Thank you for your kind consideration.

Respectfully submitted,

s/ Lawrence S. Lustberg

Lawrence S. Lustberg
Standby Counsel for Defendant Paul W. Bergrin

cc: Steven G. Sanders, Assistant U.S. Attorney (via email)
Paul W. Bergrin