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Writer Direct: (518) 486-4603

February 25, 2014

Honorable Therese Wiley Dancks  
United States Magistrate Judge  
Federal Building and U.S. Courthouse  
P.O. Box 7346  
Syracuse NY 13261-7346

Re: *Caron v. Cuomo*  
13-CV-1211 (GLS/TWD)

Dear Magistrate Judge Dancks:

By this letter, I respectfully request an additional 30-day extension of time, within which to respond to the Amended Complaint. The Amended Complaint challenges section 265.37 of New York's Penal Law, which largely prohibits "ammunition feeding device where such device contains more than seven rounds of ammunition." This issue was addressed by the Honorable William M. Skretny in *New York State Rifle and Pistol Association Inc. v. Cuomo*, 13-CV-291 (WMS) (WDNY) and is currently on appeal before the Second Circuit Court of Appeals.

In light of the pending appeal, the parties are discussing a joint application to stay this proceeding until the Second Circuit rules in *New York State Rifle and Pistol Association Inc.* I have circulated a proposed stipulation to opposing counsel and anticipate discussing it with them this week. In light of my discussions with opposing counsel and because defendants' current deadline to respond to the Amended Complaint is tomorrow, I seek a second extension.

I was unable reach Attorney Jensen today for consent. Attorney Firriolo graciously consents to my request.

The Court's consideration of my request is appreciated.

Respectfully,

*/s/ Kelly L. Munkwitz*

Kelly L. Munkwitz  
Assistant Attorney General

Honorable Therese Wiley Dancks

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