



U.S. Department of Justice

United States Attorney
Southern District of New York

USDS SDNY

DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 12/18/12

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

MEMO ENDORSED

December 14, 2012

BY HAND

Honorable Kimba M. Wood
United States District Judge
United States Courthouse
500 Pearl Street, Room 1910
New York, NY 10007

Re: *United States v. Pokerstars, et al.*,
11 Civ. 2564 (KMW)

Dear Judge Wood:

The Government respectfully writes regarding scheduling in the above-captioned matter, particularly in regard to Claimant/Defendant Christopher Ferguson and his motion to dismiss the Second Amended Complaint.

By way of background, the Government filed the Second Amended Complaint (the "Complaint") on or about September 11, 2012. (D.E. 272) On or about November 15, 2012, defendant/claimant Howard Lederer filed a motion to dismiss the Complaint. (D.E. 281) That same day, claimants MAS, Inc. and Ultra Safe Pay, LLC also filed motions to dismiss. (D.E. 284, 285) On or about November 16, 2012, defendant/claimant Christopher Ferguson filed a memorandum in further support of Lederer's motion to dismiss. (D.E. 286) Pursuant to the Court's so-ordered letter of October 2, 2012, (D.E. 273), the Government's deadline to respond to such motions is presently December 21, 2012.

On today's date, proposed settlements have been submitted for the Court's consideration in regard to Howard Lederer, MAS, Inc., and Ultra Safe Pay, LLC. Pursuant to these settlement agreements, Lederer, MAS, Inc., and Ultra Safe Pay, LLC have agreed to withdraw all pending motions in this action, including their motions to dismiss.

The Government is also in settlement discussions with the remaining defendant/claimant, Christopher Ferguson. In the meantime, however, counsel for Ferguson has informed the Government that, in light of Lederer's settlement and withdraw of his motion, Ferguson requests that his memorandum in support of Lederer's motion now be treated as a separate and independent motion to dismiss the complaint. The Government consents to this request, and counsel for Ferguson has consented to permitting the Government additional time to respond to the motion, particularly in light of the ongoing settlement negotiations.

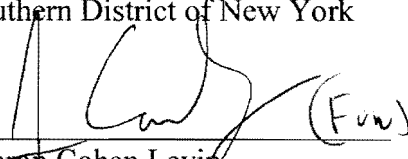
Accordingly, the Government and defendant/claimant Ferguson jointly request that (a) Ferguson's memorandum in support of Lederer's motion to dismiss (D.E. 286) be treated as a separate motion to dismiss on behalf of Ferguson; and (b) the Government will have until January 28, 2013 to respond to the motion, and Ferguson will have until February 18, 2013 to file any reply.

GRANTED
KMW

Respectfully submitted,

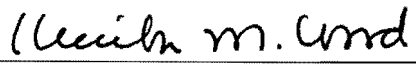
PREET BHARARA
United States Attorney for the
Southern District of New York

By:

 (Fov)
Sharon Cohen Levin
Michael D. Lockard
Jason H. Cowley
Assistant United States Attorneys
(212) 637-1060/2193/2479

cc: (by email)
Jon Harris, counsel for Chris Ferguson

SO ORDERED: 12-17-12


The Honorable Kimba M. Wood
United States District Judge