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Sent via facsimile ONLY @ 203-579-5651

April 30, 2004

Honorable U.S. Magistrate Judge Holly B. Fitzsimmons
United States District Court
915 Lafayette Blvd.
Bridgeport, CT 06604

Re: Michael Gargano, et al. v. MTA Metro North
Civil Action No. 3:00-cv-1477 (WWE)
Our File: 17839-001

Dear Judge Fitzsimmons:

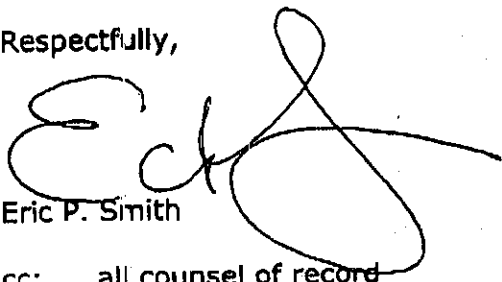
According to Your Honor's Scheduling Order, the plaintiffs' expert report is due today. Unfortunately, we just received the transcripts from the last fact witness depositions, and our expert requires some additional time to assess this testimony. We are forwarding the transcripts to our expert today.

We are seeking a thirty day extension of the Scheduling Order insofar as expert reports are concerned.

After consulting with counsel, I can report that counsel for Metro-North and Ducci do not object to this request.

Thank you for your consideration.

Respectfully,



Eric P. Smith

cc: all counsel of record