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VIA UPS GROUND (for Friday delivery)

April 7, 2011

Hon. Eugene J. McCaffrey, Jr., J.S.C.
Superior Court of New Jersey
1 North Broad Street
Woodbury, New Jersey 08096

RE: *Krug, et al. v. Brachfeld, et al.*
Docket No. GLO-L-419-11

Dear Judge McCaffrey:

This firm represents the defendants in the above-captioned matter.

We are in receipt of adversary counsel's Notice of Motion for Class Certification, Appointment of Class Counsel and Preliminary Approval of Class Action Settlement Agreement.

Defendants have no objection to the granting of the motion and its requested relief, as same is consistent with the Settlement Agreement entered into by the parties.


Should the Court desire the attorneys to appear before the Court on the motion, we would, of course, be privileged to do so. The undersigned respectfully petitions for the Court's indulgence in scheduling such appearance on a date and time **other than** April 15, as I am scheduled to appear in Hunterdon County that afternoon. Given the distances involved and the issues attendant to each case, I would be much better able to serve both Courts were the matters heard on different days. My adversary, Mr. Stern, who has been a consummate gentleman throughout this litigation, has no objection to this request.

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We thank the Court for its consideration.

Respectfully submitted,



Matthew P. O'Malley
For TOMPKINS, McGUIRE,
WACHENFELD & BARRY, LLP

C: Philip D. Stern, Esq.