

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

CASE NO. 15-CR-227-A

-vs-

**ATTORNEY DECLARATION IN
SUPPORT OF MOTION
FOR EXTENSION OF TIME TO
FILE MEMORANDUM**

RICHARD PETIX,

Defendant.

I, Matthew R. Lembke, having been duly admitted to practice law in the Western District of New York, do hereby declare:

1. I am an attorney duly licensed to practice in the United States District Court for the Western District of New York.
2. I am co-counsel with Stephen M. Leonardo represent, the defendant, Richard Petix [Petix].
3. I make this motion in support of Petix's request for a one week extension of time – Wednesday, November 2, 2016, 2016 – to file a supplemental memorandum of law in connection with Petix's motion to dismiss to dismiss Count 2 of the superceding indictment, charging him with operating an unauthorized money transmitting business in violation 18 U.S.C. § 1960.

4. At our appearance before Court on October 18, 2016, the Court allowed Petix to submit a supplemental memorandum on that part of his motion seeking dismissal of Count 2.

5. The reason for this request is that both Mr. Leonardo and I have been involved in other matters, both personal and professional, which did not allow us dedicate the time necessary to complete our supplemental submissions by the deadline originally set by the Court.

6. On Wednesday, October 26, 2016, after discussion with Mr. Leonardo, I informed him that I would request an extension of time from the court in regard to our supplemental submissions. Wednesday, October 26, and Thursday, October 27, were days on which I had heavy schedules both professional and personally. I simply was not able to sit down and prepare this request for an extension of time until today.

7. Between Mr. Leonardo and me, we will be able to have our supplemental submissions filed on or before November 2, 2016. And, based on the foregoing, we request that the Court grant a one week extension to file this supplemental memorandum and to modify the government's time to respond and the date upon which the motions shall be deemed submitted accordingly.

8. Petix agrees to an exclusion of time from under the Speedy Trial Act to the extent the Speedy Trial clock is impacted by this request for an extension.

WHEREFORE, it is respectfully requested that the Court grant an order modifying the current scheduling order by extending Petix's time to file a supplemental memorandum until November 2, 2016, and modifying the dates for the government's response accordingly; and that the Court grant such other, further and different relief, as to the Court may seem just and proper.

Dated: October 28, 2016

/S/ Matthew R. Lembke
Matthew R. Lembke

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