

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

Case No.: 15-CR-227-A

v.

ATTORNEY AFFIRMATION

RICHARD PETIX,

Defendant.

I, Stephen M. Leonardo, having been duly admitted to practice law in the Western District of New York, do hereby affirm, under penalty of perjury:

1. I am one of the Attorneys for the Defendant, Richard Petix.
2. I make this motion in support of Petix's request for an extension of time to file a response to the Government's Objection to the Magistrate's Report and Recommendation.
3. A previous application "For Leave to File Response to Government's Objections to Magistrate's Judge's Report and Recommendation" was filed by my co-counsel, Matthew R. Lembke, Esq. dated December 28, 2016.
4. This Court issued an Order granting that request permitting that a response must be filed no later than tomorrow, December 30, 2016.
5. Sadly, I learned last night that my co-counsel, Mr. Lembke's father passed away.

WHEREFORE, it is respectfully requested that the Court enter an order granting Petix an extension of time to file a response to the Government's Objections to Magistrate's Report and Recommendation until Friday, January 6, 2017; and the Court grant such other, further and different relief, as may seem just and proper.

Dated: December 29, 2016

/S/ Stephen M. Leonardo
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