

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 additional extension of time to file a response to the Government's Objection to the Magistrate's Report and Recommendation.
3. A previous request made for an extension of time to file a response to the Government's Objection to the Magistrate's Report and Recommendation was filed with this Court on December 29, 2016.
4. This Court issued a text order permitting that a response must be filed no later than today, January 6, 2017.
5. The Court may recall that my co-counsel, Mr. Lembke's father passed away and, while I spoke with him briefly to extend my condolences, I did not confirm what, if any, funeral arrangements had been made for this father or when they were scheduled.
6. Most of the funeral arrangements have taken place over the last several days and Mr. Lembke has otherwise been with his family.
7. Unfortunately, as a result, Mr. Lembke did not have time to finalize Petix's response to the Government's Objection to the Magistrate's Report and Recommendation.

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 13, 2017; and the Court grant such other, further and different relief, as may seem just and proper.

Dated: January 6, 2017

/S/ Stephen M. Leonardo
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