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May 3, 2017

Hon. Joel H. Slomsky  
Judge, U.S. District Court  
5614 U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106

Re: United States v. McKelvy, 15-cr-398-3

Dear Judge Slomsky:

As the Court knows, co-counsel William J. Murray, Jr. and I filed, on March 28, 2017, a Motion to Dismiss Counts 1-8, on the grounds of the Statute of Limitations, as well as a Limitations Memo in support of that Motion. On April 19, 2017, the government filed its Response to that motion and memo.

While drafting a Reply, I realized that I had made two fundamental mistakes in the Limitations Memo. I believe that the appropriate way to proceed would be to request leave of the Court to submit an amended Limitations Motion and Memo, as well as an amended Proposed Findings of Fact and Conclusions of Law, to which the government would be able to file an Amended Response. Once we receive such an Amended Response, we would then apply to the Court for 14 days in which to file a Reply.

AUSA Robert Livermore has authorized us to state that he does not oppose our request for leave to file the above-described documents. We request the Court to defer ruling on our initial Limitations Motion, until the parties can accomplish these steps, which both parties agree to do as expeditiously as possible. Thank you for your consideration of this matter.

Sincerely,

Walter S. Batty, Jr.  
William J. Murray, Jr.

cc: AUSA Robert Livermore