

MEMO ENDORSED

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November 17, 2010

Hon. Kimba M. Wood
 United States District Judge
 Southern District of New York
 U.S. Courthouse
 500 Pearl Street
 New York, NY 10007

Re: United States v. Lacey, et al.
 09 Cr. 507 (KMW)

Dear Judge Wood:

I represent Mark Barnett in the above matter, which is scheduled for trial beginning November 29th.

Please consider this letter as an application *in limine* for a brief recess in the middle of the trial on the grounds known (perhaps not now, but hereafter) as a "writ of possible *simcha*"¹.

The facts are as follows: My beautiful daughter, Eva, married and with a doctorate no less, and her husband, Ira Greenberg (we like him, too) live in Philadelphia and are expecting their first child on December 3rd, *tfu tfu tfu*². They do not know whether it will be a boy or a girl, although from the oval shape of Eva's tummy, many of the friends and family are betting male (which I think is a mere *bubbameiseh*³ but secretly hope is true).

Should the child be a girl, not much will happen in the way of public celebration. Some may even be disappointed, but will do their best to conceal this by saying, "as long as it's a

¹ Yiddish (and Hebrew) for "celebration of a happy event".

² Another Yiddishism, found in other cultures as well, that requires we spit to ward off the "evil eye" when discussing an upcoming *simcha*.

³ As you may have already guessed, Yiddish for "old wife's tale". A "mere *bubbameiseh*" is somewhat less reliable.

healthy baby". My wife will run to Philly immediately, but I will probably be able wait until the next weekend. There will be happiness, though muted, and this application will be mooted as well.

However, should the baby be a boy, then *hoo hah!*⁴ Hordes of friends and family will arrive from around the globe and descend on Philadelphia for the joyous celebration mandated by the *halacha*⁵ to take place during daylight hours on the eighth day, known as the *bris*⁶. The eighth day after December 3rd could be right in the middle of the trial. My presence at the *bris* is not strictly commanded, although my absence will never be forgotten by those that matter.

So please consider this an application for maybe, *ifu tfu tfu*, a day off during the trial, if the foregoing occurs on a weekday. I will let the Court (and the rest of the world) know as soon as I do, and promise to bring pictures.

Very truly yours,



Bennett M. Epstein

cc. All counsel

Mr. Epstein will be permitted to attend the bris, in the joyous event that a son is born. But the Court would like to balance the scales. If a daughter is born, there will be a public celebration in Court, with readings from poetry celebrating girls and women.

11-18-10

SO ORDERED, N.Y., N.Y.



KIMBA M. WOOD
U.S.D.J.

⁴ Yiddish for "a big fuss".

⁵ Jewish law (citation omitted).

⁶ Hebrew for "covenant", for the Covenant of Abraham, *i.e.* ritual circumcision, joyous to everyone except, apparently, the baby.