

TOGUT, SEGAL & SEGAL LLP

ATTORNEYS AT LAW

ONE PENN PLAZA

NEW YORK, NEW YORK 10119

(212) 594-5000

FACSIMILE
(212) 967-4258

December 15, 2021

VIA EMAIL and ECF Filing

Honorable David S. Jones
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, NY 10004-1408

Re: *In re Kossoff PLLC*
Bankr. Case No. 21-10699 (DSJ)

Dear Judge Jones:

As counsel to Albert Togut, not individually, but solely in his capacity as the Chapter 7 Interim Trustee (the "Trustee") of Kossoff PLLC (the "Debtor") in the above-referenced case, we write to request a 45-day adjournment of the December 20, 2021 hearing to consider the Trustee's Application for an Order Compelling Disclosure of Certain Grand Jury Materials [Docket No. 217] (the "Grand Jury Motion"), and the related briefing deadlines.¹

On December 13, 2021, Mitchell Kossoff ("Kossoff") pled guilty in the New York County Criminal Court (the "NY Criminal Court") to three counts of grand larceny and one count of scheme to defraud.² That same day, the DA obtained a sharing order (the "Sharing Order") from the NY Criminal Court, pursuant to which the DA may now disclose to the Trustee "certain evidence obtained through New York County Grand Jury Investigation Number 2021-414484 . . . in order to facilitate an investigation by the Trustee," including "the evidence obtained by the People pursuant to search warrants numbered N0257-2021 and N0458-2021" (the "Requested Materials").

We met and conferred with the DA yesterday to discuss, among other things, the DA's request that the Trustee withdraw the Grand Jury Motion. We explained that it is

¹ The deadline for the objection of the New York County District Attorney (the "DA") is today at 5:00 p.m., and the Trustee's reply would be due December 18, 2021 at 5:00 p.m. (See Docket No. 295.)

² The sentencing hearing for Kossoff is scheduled for April 6, 2022, which we understand was scheduled in part to allow Kossoff to fulfill his continuing obligations in this case.

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the Trustee's intention to instead seek adjournment of the hearing to consider the Grand Jury Motion while the DA and the Trustee coordinate disclosure of the Requested Materials, and to withdraw the motion only after the Trustee receives copies of all the Requested Materials, and the DA understands this course of action.

Separate from the Grand Jury Motion, the Trustee also respectfully requests a corresponding 45-day adjournment of the continued status conference to consider the Chapter 7 Interim Trustee's Motion for an Order Compelling Julia McNally to Comply with Bankruptcy Rule 2004 Order [Docket No. 185] (the "McNally Motion"), which, like the Grand Jury Motion hearing, is currently scheduled for December 20, 2021. The Trustee's review of the Requested Materials will help inform when he will prosecute the McNally Motion.

Respectfully submitted,

TOGUT, SEGAL & SEGAL LLP
By:

/s/ Neil Berger
Neil Berger

cc: Albert Togut, Esq. (by email and ECF notification)
Andrew D. Velez-Rivera, Esq. (by email and ECF notification)
Ryan Gee, Esq. (by email and ECF notification)
Catherine McCaw, Esq. (by email and ECF notification)
Julia McNally (by email)