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December 21, 2005

OUR FILE NUMBER  
619,808-23  
1615648

The Honorable Kiyo A. Matsumoto  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East, Room 208  
Brooklyn, NY 11201

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Re: Shez Jackson v. Sterling Mets, L.P., Jeffrey Wilpon and David Cohen, No. 04 CV 5407 (SJF) (KAM)

Dear Judge Matsumoto:

This law firm represents the defendants in the above-referenced matter.

The parties in this matter jointly submit this letter to respectfully request clarification regarding the fact discovery schedule. During the conference held on November 1, 2005, your Honor scheduled fact discovery to conclude on February 28, 2006. The Court's Order dated November 1<sup>st</sup>, however, contained a typographical error, providing that "fact discovery shall be concluded by 12/28/06." Following our recent letter to the Court requesting an adjournment of the settlement conference calendared for December 19, 2005, the Court, in an Order dated December 14, 2005, rescheduled the conference to February 9, 2006. However, apparently as a result of the typographical error in the November 1<sup>st</sup> Order, the December 14<sup>th</sup> Order stated that "fact discovery must be extended to 1/31/06," which actually reduced the time for discovery by approximately one month. We would greatly appreciate confirmation from the Court concerning the original February 28, 2005 fact discovery cutoff date.

Very truly yours,

*Eliza Kaiser*  
Eliza A. Kaiser  
for O'MELVENY & MYERS LLP

cc: William Sipser, Esq.  
Attorney for Plaintiff