



O'MELVENY & MYERS LLP

BEIJING
BRUSSELS
CENTURY CITY
HONG KONG
LONDON
LOS ANGELES

Times Square Tower
7 Times Square
New York, New York 10036
TELEPHONE (212) 326-2000
FACSIMILE (212) 326-2061
www.omm.com

NEWPORT BEACH
SAN FRANCISCO
SHANGHAI
SILICON VALLEY
TOKYO
WASHINGTON, D.C.

December 21, 2005

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

OUR FILE NUMBER
619,808-23
1615648

WRITER'S DIRECT DIAL
(212) 326-2239

WRITER'S E-MAIL ADDRESS
ekaiser@omm.com

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 1st, 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 1st Order, the December 14th 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 A. Kaiser
for O'MELVENY & MYERS LLP

cc: William Sipser, Esq.
Attorney for Plaintiff