

**U.S. Department of Justice**

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March 28, 2007

FILED ELECTRONICALLY

Honorable Roanne L. Mann
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Kamburowski v. Kidd,
No. CV-05-0953 (CBA) (RLM)

Dear Judge Mann:

Defendants in the above-referenced matter respectfully request the Court's assistance regarding an apparent discovery dispute that may affect the fact discovery deadline. Defendants noticed the deposition of Michael P. DiRaimondo, by agreement of counsel, for March 14, 2007, at 2:00 p.m. Mr. DiRaimondo is one of the attorneys representing the Plaintiffs in this case. Defendants sought to depose him because he was presented as a possible fact witness in this case. A few days before Mr. DiRaimondo's deposition, the undersigned was advised that Mr. DiRaimondo's firm was not available on March 14th, and that objections may be lodged against his deposition. On March 22, 2007, the undersigned was advised by counsel for Plaintiffs that a letter would be filed objecting to Mr. DiRaimondo's deposition. As of today, the undersigned has not received any letter or any reason, other than Mr. DiRaimondo being one of the Plaintiffs' attorneys, why he should not be deposed.

Given that fact discovery in this matter closes on March 30, 2007, Defendants respectfully request that the Court direct Plaintiffs' counsel to either seek a protective order from the Court by a date certain or to present Mr. DiRaimondo for deposition forthwith. Today, counsel for Plaintiffs advised the undersigned

that he was uncertain when any letter would be filed by Mr. DiRaimondo's firm regarding his deposition.

Respectfully submitted,

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