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December 2, 2003

Honorable Viktor V. Pohorelsky, U.S.M.J.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Bolin, et al. v. Harvard Protection, et al.
99 Civ 8187

Dear Magistrate Judge Pohorelsky:

Please remember that I am counsel to Plaintiff Roland Camacho in the above-referenced matter. I am in receipt of Mr. Labuda's letter dated December 1, 2003. It was apparently faxed to an old number and therefore, I didn't receive it until 4:30 pm today after I had contacted Mr. Labuda inquiring as to the status of his request.

Quite obviously, I oppose this request made by Mr. Labuda.

The Defense assertion that "[n]o other requests for extensions have been made," is laughable. Your Honor initially sought to set a shorter time period for the submission of these moving papers on October 10, 2003, but eventually acquiesced to the defendants' request to extend that time period. Moreover, please recall that defendant HPS also agreed to the summer motion schedule set in 2002 related to the plaintiffs motion to amend the complaint. Subsequently, defense counsel sought an extension of time. That extension was granted over Plaintiffs' objections.

On October 10, 2003, it was made apparent that the summary judgment schedule set by Your Honor, was already an extended one. It was also understood that the motion schedule fell around the holidays and New Years, as such schedules and holiday plans would be affected by any change. On or around November 19, 2003, I spoke with all counsel, consented to a discovery extension but forewarned that I would not consent to a request for an extension for this summary judgment motion. Each counsel agreed that the October 10, 2003, schedule would/should be kept and a letter to that effect was submitted to your Honor.

While I cannot insist that the easily visible disputed material facts should force defense to abandon this summary judgment motion, I can stomp my feet and object loudly to any change in this motion schedule. As I stated in the last court conference, this 1999 case has been extended for many reasons since its inception and at this point in time, I want to do whatever is necessary to move this case forward to trial.

Secondly, Mr. Labuda also requests that the Court permit the filing of a 50-page Memorandum in support of the HPS motion. The issues at dispute here are quite simple. There are two sides to this story, one involves employment discrimination and a retaliatory termination when such conduct was objected to. The other claims that these employees were either bad or had resigned. There is nothing original in these arguments nor distinctive from the majority of discrimination claims. It is a clear case of he said / she said between Ms. Mirjanic and the plaintiffs. Therefore, I would also object to the filing of a memorandum of law lengthier than 25 pages.

Respectfully submitted,

Wylie M. Stecklow, Esq.
(WMS 6012)

cc: Charles Rappaport (via facsimile - (212) 921-5367)
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