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January 30, 2012

By ECF

The Honorable George H. Lowe
United States Magistrate Judge
U.S. District Court for the Northern District of New York
P.O. Box 7346
Syracuse, New York 13261-7346

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Re: Yoder, et al. v. Town of Morristown, et al., Civil Case No.: 09-cv-00007 (NPM/GHL)

Dear Judge Lowe:

I write to follow-up on my January 25, 2012 letter on the issue of Defendants' request to audio-record Plaintiffs' depositions. We have conferred with our Clients and have learned that just as videotaping and photography are against our Clients' religious beliefs, so too is audio-recording. Put simply, our Clients' religion prohibits them from being permanently recorded in voice, video or photograph. During the conference call with Your Honor on January 20, 2012, Your Honor asked why audio-recording is different than a stenographer. Our Clients have explained that a stenographer only captures the words spoken, which, in their religious belief, is very different than having their voice or image permanently recorded.

In light of the foregoing, it is our understanding, based on the conference with Your Honor on January 20, 2012, that Defendants will not be permitted to audio-record or videotape any of Plaintiffs' depositions.

We are available to answer any questions you may have for us.

Respectfully Submitted,

Russell L. Hirschhorn

cc: Gregg T. Johnson, Esq.
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