

LEMIRE JOHNSON, LLC

Attorneys at Law

2534 Route 9, P.O. Box 2485, Malta, NY 12020

518.899.5700 ~ 518.793.9005

Fax 518.899.5487

www.lemirejohnsonlaw.com

February 14, 2012

VIA ELECTRONIC FILING

Hon. Thérèse W. Dancks, U.S.M.J.
United States District Court
Northern District of New York
Federal Building and U.S. Courthouse
Syracuse, New York 13261

Re: *Yoder, et al. v. Town of Morristown, et al.*
Civil Case No.: 09-cv-0007 (NPM/TWD)

Dear Magistrate Dancks:

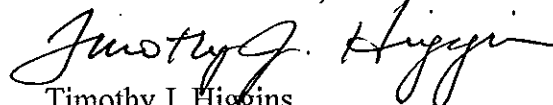
Our office represents the defendants in the above action. Defendant Lanetta Kay Davis is the Town of Morristown's code enforcement officer. I had previously been directed by the Court (Magistrate Lowe) to report on Ms. Davis' health and current medical treatment which has thus far (per her doctor's opinion) prevented Ms. Davis from giving the deposition requested by plaintiffs' counsel. My last report to the Court was in my letter dated January 23, 2012.

I have spoken again with Alka Srivastava, M.D., who is Ms. Davis' treating oncologist. Dr. Srivastava examined Ms. Davis last week, directed further diagnostic testing and blood work, and will examine her again and review the test results as soon as possible, likely next week (week of February 20, 2012). Dr. Srivastava reported that her opinion as to Ms. Davis' ability to be deposed in this action remains the same as detailed in her letter of January 5, 2012; that she was "physically and mentally unable to participate in depositions or trials until further notice." We had previously provided a copy of that letter to plaintiffs' counsel.

At Ms. Davis' request, in order to keep her medical condition and treatment privileged, I am not disclosing specific information on the course of treatment or diagnoses that I discussed with Dr. Srivastava. If the Court wishes to know additional details, or prefers an *ex parte* conversation with Ms. Davis or her doctor, please let me know.

Respectfully submitted,

LEMIRE JOHNSON, LLC



Timothy J. Higgins

tjh@lemirejohnsonlaw.com

LEMIRE JOHNSON, LLC

February 14, 2012

Page 2

TJH/ek

cc: Proskauer Rose LLP