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May 10, 2010

Via Electronic Filing

Honorable George H. Lowe
United States Magistrate
United States District Court
Northern District of New York
Syracuse, New York 13261

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

Your Honor:

I write in response to Plaintiff's May 7, 2010 correspondence. Plaintiff correspondence to this Court is one of many baseless allegations that Plaintiffs' have made regularly throughout the course of this litigation that falsely accuses Defendants of failing to comply with the Court's Order. Plaintiff's accusations and refusal to work cooperatively and professionally with Defendants is unacceptable and does not reflect the high standards by which the attorneys in the Northern District hold themselves to.

Defendants have not failed to comply with this Court's February 26, 2010 order. In fact, Defendants sent a letter to Plaintiff's counsel on May 5, 2010, stating that responses would be provided and Defendants set forth a reasonable schedule by which Defendants could respond to this Court's February 26, 2010 Order¹. As the Court is aware, depositions are currently stayed and there is a motion pending before the District Court Judge seeking to add additional parties, among other relief. Plaintiffs have refused to engage in a good faith conference with Defendants to discuss issues they apparently have with the reasonable schedule and have made unilateral demands and threats to Defendants which is not productive. Furthermore, the schedule that Defendants proposed

¹The schedule proposed is as follows:

May 14 - Supplemental responses to the limited Interrogatories and privilege log;

May 21 - Defendants will review their production and advise if any documents are outstanding;

June 30 - Defendants will provide supplemental documents as provided by the forensic expert (see also, Dkt. No. 59; pg. 14).

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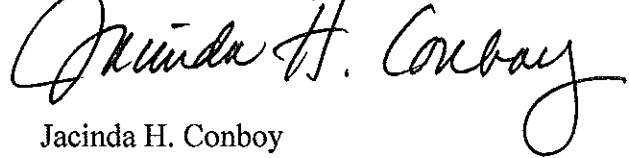
provides absolutely no prejudice to Plaintiffs.

Plaintiffs have two law firms and, on a regular basis, approximately three (3) to four (4) attorneys involved in every communication and conference in this case and as can be seen by the correspondence to this Court, seven of Plaintiffs' counsel are copied on this letter. Despite the amount of resources that Plaintiffs are able to devote to this case, it took Plaintiffs approximately nine (9) months to provide complete responses to Defendants' discovery demands including providing a response to Defendants as to whether the *Ordnung* exists in writing. The *Ordnung*, pursuant to Plaintiffs' Complaint filed January 12, 2009, is the doctrine that purportedly establishes Plaintiffs' religious beliefs and forms the foundation of this litigation. To now suggest that Defendants have not timely complied with the Court's Order is meritless or that our proposed production schedule for supplementation is unreasonable is disingenuous at most.

We welcome a conference if the Court anticipates that one would be productive. Thank you.

Respectfully submitted,

LEMIRE JOHNSON, LLC

A handwritten signature in cursive script that reads "Jacinda H. Conboy". The signature is written in black ink and is positioned over the typed name below it.

Jacinda H. Conboy

JHC:dl

cc: Proskauer Rose LLP
The Becket Fund for Religious Liberty