

EXHIBIT 2

Lorry Glogowski

From: Hirschhorn, Russell L. [RHirschhorn@proskauer.com]
Sent: Wednesday, October 26, 2011 3:06 PM
To: Gregg Johnson; Mark Lemire
Cc: Mervis, Michael T.; Gerstein, Jason D.; Goldberger, Daniel P.; Lori Windham; Eric Rassbach; ekniffin@becketfund.org; Rattner, Benjamin M.
Subject: RE: Yoder v. Town of Morristown [PR-CURRENT.FID594921]

Mr. Johnson:

We have responded to Mr. Lemire's question as we believe is appropriate.

Russell L. Hirschhorn

Attorney at Law

Proskauer

Eleven Times Square
New York, NY 10036-8299
d 212.969.3286
f 212.969.2900
c 516.509.9327
rhirschhorn@proskauer.com

greenspaces

Please consider the environment before printing this email.

From: Gregg Johnson [mailto:gtj@lemirejohnsonlaw.com]
Sent: Wednesday, October 26, 2011 1:02 PM
To: Hirschhorn, Russell L.; Mark Lemire
Cc: Mervis, Michael T.; Gerstein, Jason D.; Goldberger, Daniel P.; Lori Windham; Eric Rassbach; ekniffin@becketfund.org; Rattner, Benjamin M.
Subject: RE: Yoder v. Town of Morristown [PR-CURRENT.FID594921]

All: A straightforward answer to a straightforward question would be appropriate.

- *Gregg T. Johnson, Esq., Partner*

LEMIRE JOHNSON, LLC

ATTORNEYS AT LAW

2534 Rte. 9, PO Box 2485
Malta, NY 12020
(p) 518.899.5700
(f) 518.899.5487
gtj@lemirejohnsonlaw.com

Visit us at: www.lemirejohnsonlaw.com

From: Hirschhorn, Russell L. [mailto:RHirschhorn@proskauer.com]
Sent: Wednesday, October 26, 2011 12:49 PM
To: Mark Lemire; Gregg Johnson
Cc: Mervis, Michael T.; Gerstein, Jason D.; Goldberger, Daniel P.; Lori Windham; Eric Rassbach; ekniffin@becketfund.org; Rattner, Benjamin M.
Subject: RE: Yoder v. Town of Morristown [PR-CURRENT.FID594921]

Mr. Lemire:

As a preliminary matter, we are unclear to whom you will be responding. It is our understanding that the Court will contact the parties now that it has the requested submission from Plaintiffs. In any event, your questions concerning when the Consulting Agreement was drafted, executed and received are irrelevant to the issue before the Court: whether or not the Fisher Documents are protected by the attorney-client privilege and/or the attorney work product doctrine. The Consulting Agreement, which was finalized in or

11/10/2011

around the commencement of this litigation, merely memorializes the engagement described in our October 21 and September 23 letters to the Court. If, by your questions, you are insinuating that the Consulting Agreement was created after the fact to bolster our submission to the Court, that is both incorrect and inappropriate.

Russell L. Hirschhorn

Attorney at Law

[Proskauer](#)

Eleven Times Square
New York, NY 10036-8299
d 212.969.3286
f 212.969.2900
c 516.509.9327
rhirschhorn@proskauer.com

greenspaces

Please consider the environment before printing this email.

From: Mark Lemire [mailto:mjl@lemirejohnsonlaw.com]
Sent: Tuesday, October 25, 2011 3:47 PM
To: Rattner, Benjamin M.; Gregg Johnson
Cc: Mervis, Michael T.; Hirschhorn, Russell L.; Gerstein, Jason D.; Goldberger, Daniel P.; Lori Windham; Eric Rassbach; ekniffin@becketfund.org; Mark Lemire
Subject: RE: Yoder v. Town of Morristown

Dear Mr. Rattner,

I have reviewed your correspondence to the Court and the attached retainer letter signed by Ms. Fisher. I have a few question after my review: (1) when was the retainer letter drafted by your office?; (2) when was the retainer letter executed by Ms. Fisher?; and (3) when did your office receive the retainer letter back from Ms. Fisher? The date on the letter, being "[a]s of", is confusing to us and we would like to understand the facts better before responding. Thank you.

Regards,

- Mark J. Lemire, Esq.**LEMIRE JOHNSON, LLC**

ATTORNEYS AT LAW

2534 Rte. 9, PO Box 2485
Malta, NY 12020
(p) 518.899.5700
(f) 518.899.5487
mjl@lemirejohnsonlaw.com

Visit us at: www.lemirejohnsonlaw.com

This electronic message contains information that may be legally confidential and/or privileged. The information is intended solely for the individual or entity named above and access by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, distribution, or use of the contents of this information is prohibited and may be unlawful. If you have received this electronic transmission in error, please reply immediately to the sender and then delete the message.

From: Rattner, Benjamin M. [mailto:brattner@proskauer.com]
Sent: Friday, October 21, 2011 5:18 PM
To: Mark Lemire; Gregg Johnson
Cc: Mervis, Michael T.; Hirschhorn, Russell L.; Gerstein, Jason D.; Goldberger, Daniel P.; Lori Windham; Eric Rassbach; ekniffin@becketfund.org
Subject: Yoder v. Town of Morristown

Counsel,

Please see attached, which was filed with the Court earlier this afternoon.

Regards,

11/10/2011

Benjamin M. Rattner
Attorney at Law

[Proskauer](http://www.proskauer.com)
Eleven Times Square
New York, NY 10036-8299
d 212.969.3224
f 212.969.2900
brattner@proskauer.com

greenspaces
Please consider the environment before printing this email.

To ensure compliance with requirements imposed by U.S. Treasury Regulations, Proskauer Rose LLP informs you that any U.S. tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

This message and its attachments are sent from a law firm and may contain information that is confidential and protected by privilege from disclosure. If you are not the intended recipient, you are prohibited from printing, copying, forwarding or saving them. Please delete the message and attachments without printing, copying, forwarding or saving them, and notify the sender immediately.

=====

To ensure compliance with requirements imposed by U.S. Treasury Regulations, Proskauer Rose LLP informs you that any U.S. tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

This message and its attachments are sent from a law firm and may contain information that is confidential and protected by privilege from disclosure. If you are not the intended recipient, you are prohibited from printing, copying, forwarding or saving them. Please delete the message and attachments without printing, copying, forwarding or saving them, and notify the sender immediately.

=====

To ensure compliance with requirements imposed by U.S. Treasury Regulations, Proskauer Rose LLP informs you that any U.S. tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

This message and its attachments are sent from a law firm and may contain information that is confidential and protected by privilege from disclosure. If you are not the intended recipient, you are prohibited from printing, copying, forwarding or saving them. Please delete the message and attachments without printing, copying, forwarding or saving them, and notify the sender immediately.

=====