

December 9, 2011

By Electronic Filing

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

Russell L. Hirschhorn
Senior Counsel
d 212.969.3286
f 212.969.2900
rhirschhorn@proskauer.com
www.proskauer.com

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

Dear Judge Lowe:

As you requested during the conference call held on November 29, we write jointly with Defendants' counsel to inform the Court of the current schedule for depositions. The schedule is as follows:

- Wednesday, January 18: Andy Miller
Menno Hershberger
- Thursday, January 19: 30(b)(6) deposition of Defendant (via Kay Davis)
- Friday, January 20: Remainder of Kay Davis (if necessary)
Dennie Swartzentruber
Mosie Swartzentruber
- Monday, January 30: Levi Yoder
John Hershberger
- Tuesday, January 31: Chris Coffin
David Stout
- Friday, February 3: Jonas Zook
Sam Zook
- Monday, February 6: Frank Putnam
David Murray
- Tuesday, February 7: Howard Warren
Gary Turner
- Monday, April 2: Menno Glick
Peter Swartzentruber



The Honorable George H. Lowe
December 12, 2011
Page 2

Tuesday, April 3: Urie Hershberger
 Bishop Mose Miller

In addition, we wish to memorialize in this letter some of the relevant agreements the parties have reached concerning the taking of depositions in this matter. They are as follows:

1. In light of the fact that Plaintiffs have noticed the individual fact witness deposition of Ms. Kay Davis and that Defendants' counsel will produce Ms. Davis in response to the Plaintiffs' Rule 30(b)(6) deposition notice, the parties have agreed that the two depositions will proceed simultaneously and that if more than seven hours is needed on January 19, 2012, Defendants also will produce Ms. Davis on January 20, 2012 (unless the parties agree to complete the deposition on January 19th).
2. We have advised Defendants' counsel that they will need a Pennsylvania Dutch translator for some of Plaintiffs' depositions. We will inform Defendants' counsel which of our clients need an interpreter no later than December 31, 2011.
3. Although the parties have agreed to schedule two depositions on some days, both parties reserve their rights to take as much time as needed (up to the seven hour limit imposed by the Federal Rules of Civil Procedure). In the event a morning and/or afternoon deposition cannot be started and/or completed because a deposition takes longer than anticipated, the parties agree to reschedule that deposition at a mutually convenient time.
4. Plaintiffs have agreed to allow Defendants to take twelve depositions – two in excess of the limits imposed by the Federal Rules of Civil Procedure – in light of the fact that there are twelve named plaintiffs. In the event Defendants would like to take any additional depositions, Plaintiffs' counsel has agreed to meet and confer with Defendants' counsel to see if we can come to an agreement.

We are available to answer any questions the Court may have for the parties.

Respectfully,

Russell L. Hirschhorn

cc: *All by Electronic Mail*
 Gregg T. Johnson, Esq.
 Timothy J. Higgins, Esq.
 Lori H. Windham, Esq.
 Michael T. Mervis, Esq.
 Jason D. Gerstein, Esq.
 Daniel P. Goldberger, Esq.