



Proskauer Rose LLP Eleven Times Square New York, NY 10036-8299

January 24, 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

Jason D. Gerstein  
Attorney at Law  
d 212.969.3134  
f 212.969.2900  
jgerstein@proskauer.com  
www.proskauer.com

Re: Yoder v. Morristown, No. 09-cv-00007 (NPM/GHL)

Dear Judge Lowe:

We write in reference to the letter submitted by Defendants concerning Kay Davis's availability for deposition. (See Dkt. No. 94.)

We reiterate our sensitivity to Ms. Davis's illness. However, we cannot understand why it will take an additional two weeks to confirm her availability. As noted in her physician's January 5 note and as discussed with Your Honor last Wednesday, she is cleared to work up to four hours per day in her capacity as Code Enforcement Officer. Further, Ms. Davis was well enough to attend Plaintiffs' depositions. We are of course willing to accommodate Ms. Davis's needs, including taking her deposition in installments, but respectfully request to proceed with her deposition as soon as possible.

Sincerely,

Jason D. Gerstein

cc: Gregg T. Johnson, Esq.  
Timothy J. Higgins, Esq.  
Michael T. Mervis, Esq.  
Russell L. Hirschhorn, Esq.  
Daniel P. Goldberger, Esq.  
Lori H. Windham, Esq.