

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

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

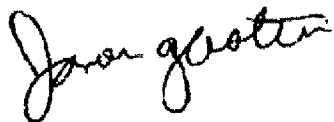
Dear Judge Lowe:

Earlier today, Plaintiffs responded to Defendants' letter to the Court which sought, essentially, to delay any resolution concerning Kay Davis and her availability for deposition. (*See* Dkt. Nos. 94 and 96.)

Less than an hour after we e-filed our response, we received the attached email from Defendants' counsel accusing us, yet again, of making misrepresentations to the Court. As Mr. Johnson demanded, we write to clarify that Ms. Davis appears to be well enough both to work and attend *part of one* deposition.

We hope this clarification is helpful to the Court.

Sincerely,



Jason D. Gerstein

Enclosure

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.

Gerstein, Jason D.

From: Gregg Johnson [gtj@lemirejohnsonlaw.com]

Sent: Tuesday, January 24, 2012 5:38 PM

To: Hirschhorn, Russell L.

Cc: Timothy Higgins; Ewa Krawiec; Gerstein, Jason D.; Goldberger, Daniel P.; Mervis, Michael T.; Lori Windham; Rattner, Benjamin M.

Subject: RE: Yoder v. Town of Morristown

Counsel:

The evening letter your office just filed on the ecf system states that our client attended multiple depositions of your clients which is incorrect. Kindly correct that statement before 10:00AM tomorrow to accurately reflect the duration of Ms. Davis' presence at a single deposition last week.

Thank you.

- Gregg T. Johnson, Esq., Partner

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