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CHAMBER'S OF
JUDGE ROBERT P. PATTERSON

HANS KOBELT
JUSTIN CHU
ANTHONY ZACCARIA

BY FAX

Hon. Robert P. Patterson, Jr.
United States District Court
500 Pearl Street
New York, NY 10007-1312

MEMO ENDORSED

re: Davis v. Kirkpatrick & Lockhart LLP
04 Civ. 9195 (RPP)

Dear Judge Patterson:

Responding to plaintiff's letter to your Honor of July 19 (received by us last evening):

1. *as to documents* -- As plaintiff acknowledges, the only remaining disagreement between us is plaintiff's demand for documents regarding persons other than those in the Corporate Group where plaintiff worked. Plaintiff has not accused defendant of discrimination in favor of persons in *other* practice groups (e.g. litigation), and of course could not since plaintiff's status was not affected by what happened in other groups where he had no involvement. Indeed, after we appeared before your Honor, plaintiff testified (in his deposition) that the persons who were allegedly favored over him were other associates in the Corporate Group. Therefore, we respectfully submit that the documents as to the associates in those other groups are not pertinent and should not have to be produced.

2. *as to depositions* -- Defendant has offered four of the five individuals whose depositions plaintiff seeks within the current discovery deadline; and we have explained that scheduling difficulties (including a trial that we are to conduct next week) are the reason why the fifth person is being offered for a date slightly beyond the deadline. As explained below, defendant does not object to an extension of the deadline to allow for completion of the depositions.

Plaintiff, however, has now cancelled two of the scheduled depositions despite our objection to such a cancellation. Plaintiff contends that he cannot conduct *any* depositions until your Honor rules on the document issue explained above. We told plaintiff that, if your ruling warrants a recall of a witness, we will of course agree to that; but plaintiff has refused to go forward. Thus, we believe that any problem as to depositions is one of plaintiff's own making.

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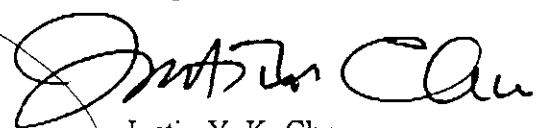
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3. *as to discovery deadline* -- Defendant has no objection (as we have already told plaintiff) to a two month extension of the discovery deadline, i.e. to a new schedule providing a discovery deadline of October 14, pre-trial papers to be filed on October 25, and a control trial date of November 7.

* * *

For these reasons, defendant respectfully requests that your Honor deny plaintiff's request for further documents and order the suggested revised discovery/trial schedule suggested above.

Respectfully yours,



Justin Y. K. Chu
Counsel for Defendant

**SEE TYPEWRITTEN MEMO
ENDORSEMENT ATTACHED**

cc: Counsel for Plaintiff

*Application denied in part.
Defendant is to provide plaintiffs with
a list of the names of all associates
attorneys employed during the period
relevant to the claim. Plaintiffs will then
identify to defendant those individuals
for whom plaintiff is requesting documents.
Defendant's deadline extended to 10/14/05
Joint Pre Trial order date 10/25/05
Trial date. 11/7/05
As ordered
Richard Patterson
JMP
7/21/05*

Case: Jamal Davis v. Kirkpatrick & Lockhart LLP
Index No. 04 Civ. 9195 (RPP)

MEMO ENDORSEMENT READS:

Application denied in part.

Defendant is to provide plaintiff with a list of the names of all associate attorneys employed during the period relevant to the claim. Plaintiff will then identify to defendant those individuals for whom plaintiff is requesting documentation. If there is further dispute, contact the Court by letter.

Discovery deadline extended to 10/14/05; joint pretrial order date 10/25/05; trial date 11/7/05.

So ordered.

Robert P. Patterson, Jr., U.S.D.J., 7/21/05