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November 21, 2011

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VIA FACSIMILE
AND FIRST CLASS MAIL

Hon. Michael H. Dolinger, U.S.M.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: Equal Employment Opportunity Commission v. Kelley Drye & Warren LLP
10-CV-0655 (LTS) (MHD)

ENDORSED ORDER
To the extent that Mr. D'Albmont wishes to participate in a forthcoming telephone status conference, that request is denied. The conference is for counsel only and seeks solely to ensure that the parties provide each other necessary information on a timely basis and continue to pursue discussions as to possible settlement terms. We have no reason at this time to believe that the EEOC is not adequately pursuing its mandate in these respects.

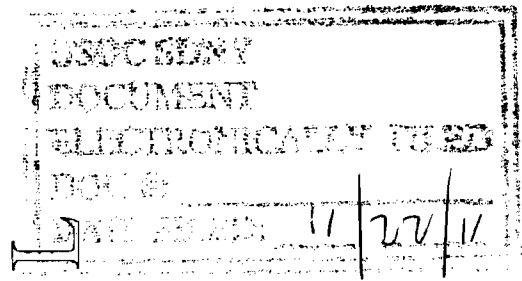
Dear Judge Dolinger:

I last wrote you on September 30, 2011 pursuant to your agreement with the EEOC's position during the hearing on July 15, 2011 that I had a right to be heard, separate and apart from the EEOC, on matters that directly impact me.

That letter had to do with the then upcoming mediation session on October 6 with you acting in your capacity as the mediator. As I noted in that letter, nothing would impact me more directly than a settlement agreement that did not provide for a fair, adequate and reasonable resolution to which the EEOC might be tempted to accept without consulting me.

On October 6, the EEOC's Regional Attorney Elizabeth Grossman appeared before you as did Senior Trial Attorney Jeffrey Burstein. Ms. Grossman requested that I appear, which I did. Kelley Drye did not appear with a decision-maker. I participated in the EEOC's preliminary discussions with you in chambers in which I presented highlights from my September 30 letter to you. I am told that session ended because Kelley Drye's counsel and inside Firm counsel had no authority to move beyond the offer Kelley Drye had made in writing on June 17, 2011.

Thereafter, the EEOC told me that, in follow-up tri-partite conference calls with you, Kelley Drye did not present a meaningful change in its position either as to back pay through 2010 or front pay beginning this year. What disturbed me was that I was not informed of those settlement conference calls before they took place, let alone invited to participate. I do not yet know who participated in those calls for the EEOC besides Jeffrey Burstein, if anyone, or who participated for Kelley Drye besides Ms. Plevan, if anyone.



CONFIDENTIAL

FAX Cover Sheet

Date: November 21, 2011

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Re: EEOC v. Kelley Drye & Warren, LLP.
10 Civ. 655 (LTS) (MHD)

Text of enclosed endorsed order: "To the extent that Mr. D'Ablemont wishes to participate in a forthcoming telephone status conference, that request is denied. The conference is for counsel only and seeks solely to ensure that the parties provide each other necessary information on a timely basis and continue to pursue discussions as to possible settlement terms. We have no reason at this time to believe that the EEOC is not adequately pursuing its mandates in these respects."

From: Magistrate Judge Michael H. Dolinger
United States District Court
Southern District of New York
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This document contains 2 pages, including this cover sheet.