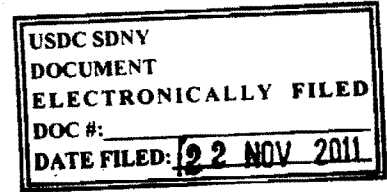


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- MARC A. SUSSWEIN

November 18, 2011

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BY FACSIMILE

The Honorable J. Paul Oetken
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: William Gilman v. Eliot Spitzer and The Slate Group, LLC, 11-5843 (JPO)

Dear Judge Oetken:

We represent the Plaintiff in the above-referenced matter. Plaintiff intends to file a motion to dismiss the counterclaim that Defendants filed on November 1, 2011. We write to request an alteration to the briefing schedule for that motion as well as for Defendants' motion for judgment on the pleadings in light of Plaintiff's intended motion. Defendants consent to the requested changes.

Plaintiff proposes the following schedule for Plaintiff's motion to dismiss:

- Plaintiff will file a motion to dismiss Defendants' counterclaim on or before November 22, 2011 – the date it is due pursuant to Rule 12 of the Federal Rules of Civil Procedure.
- Defendants will file papers in opposition to Plaintiff's motion to dismiss the counterclaim on or before December 13, 2011.
- Plaintiff will file reply papers regarding Plaintiff's motion to dismiss on or before January 6, 2012.

*Granted
JPO*

LIDDLE & ROBINSON, L.L.P.

The Honorable J. Paul Oetken

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November 18, 2011

Local Rule 6.1(b) would otherwise cause Defendant's opposition and Plaintiff's reply to be due on December 6, 2011 and December 13, 2011 respectively.

Plaintiff proposes the following schedule for Defendants' motion for judgment on the pleadings:

- granted JPO*
- Plaintiff will file papers in opposition to Defendants' motion for judgment on the pleadings on December 13, 2011 rather than the currently scheduled date of November 23, 2011. This is the same date Defendants' opposition to Plaintiff's motion to dismiss would be due as discussed above.
 - Defendants will file reply papers regarding Defendants' motion for judgment on the pleadings on January 6, 2012 rather than the currently scheduled date of December 9, 2011. This is the same date Plaintiff's reply papers are due regarding Plaintiff's motion to dismiss.

Plaintiff reserves the right, and intends, to challenge Defendants' motion for judgment on the pleadings as untimely because the pleadings are not closed pursuant to Rule 12(c) of the Federal Rules of Civil Procedure.

The parties previously requested an alteration to the briefing schedule for Defendants' motion, at the time contemplated as a motion to dismiss, on October 13, 2011 when the matter was reassigned to Your Honor. Plaintiff seeks additional alteration of that schedule due to the change in the nature of Defendants' motion, the additional briefing caused by Plaintiff's intended motion to dismiss Defendants' counterclaim, and the schedule of counsel for the parties.

Thank you for your consideration.

Respectfully submitted,

James W. Halter
James W. Halter

cc: Lee Levine, Esq. (by facsimile)
Jay Ward Brown, Esq. (by facsimile)

SO ORDERED:

Nov. 21, 2011 *JPO*

J. PAUL OETKEN
U.S.D.J.