

EXHIBIT B

Case No. 11 Civ 5843 (JPO)

DECLARATION OF KATHARINE LARSEN IN SUPPORT OF
DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS

(Letter from James W. Halter, Esq. to Lee Levine, Esq. (Jan. 4, 2012))

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January 4, 2012

VIA E-MAIL AND FIRST-CLASS MAIL

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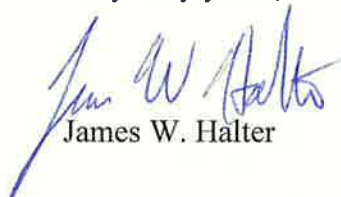
Re: *William Gilman v. Eliot Spitzer et al.*, Case No. 11-5843 (JPO)

Dear Lee:

I write in response to your letter dated December 20, 2011 requesting an unredacted version of Justice Yates's July 2, 2010 order in *People v. Gilman*, Ind. No. 4800-2009 (N.Y. Sup. Ct., N.Y. Cnty) ("Unredacted Order"). I am unable to comply with your request at this time. Justice Yates issued a Sealing Order contemporaneously with the Unredacted Order that required that the Unredacted Order "be sealed and remain confidential." The Unredacted Order is also sealed pursuant to Criminal Procedure Law § 160.50. I have enclosed the Sealing Order for your review.

I also disagree with your characterization of the Unredacted Order as "directly relevant" to Plaintiff's Memorandum. The relevant inquiry at this stage of the proceeding is confined to the information available to Defendants when they published the defamatory article.

Very truly yours,


James W. Halter

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 33

----- X
THE PEOPLE OF THE STATE OF NEW YORK, :
: :
: :
-against- : **Sealing Order**
: :
: Ind. No. 4800-2005
WILLIAM GILMAN and EDWARD MCNENNEY, :
: :
Defendants. :
: :
-----X
Hon. James A. Yates, J.S.C

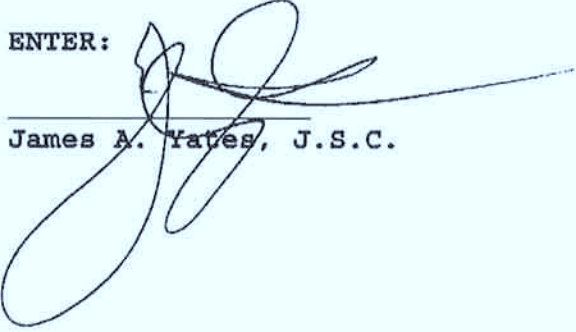
Because the CPL § 440 decision, issued on July 2, 2010, contains protected information, a full and complete copy of the Court's decision shall only be provided to the counsel of record to the parties in this case; a redacted copy, omitting confidential information, shall also be made available to the public. The full and complete decision will be sealed and remain confidential.

The Clerk of the Court is directed to seal the Court's decision, and absent further order of the Court, the Clerk shall deny access to the decision to anyone except for counsel of record to any party in this case, a party, and any representative of counsel of record to a party upon presentation to the Clerk of written authorization of said counsel.

This is the Decision and Order of the Court.

Dated: July 2, 2010

ENTER:


James A. Yates, J.S.C.