

WHITEFORD, TAYLOR & PRESTON L.L.C.

1220 N. MARKET STREET, SUITE 608  
WILMINGTON, DE 19801

MAIN TELEPHONE (302) 353-4144  
FACSIMILE (302)-661-7950

BALTIMORE, MD\*  
COLUMBIA, MD\*  
FALLS CHURCH, VA\*  
TOWSON, MD\*  
WASHINGTON, DC\*  
WILMINGTON, DE

DANIEL A. GRIFFITH  
PARTNER

DIRECT LINE (302) 482-8754  
DIRECT FAX (302) 258-0783  
DGriffith@wtplaw.com

WWW.WTPLAW.COM  
(800) 987-8705

July 25, 2008

The Honorable Gregory M. Sleet, U.S.D.J.  
The United States District Court  
District of Delaware  
J. Caleb Boggs Federal Building  
844 North King Street  
Room 4324  
Lockbox 19  
Wilmington, DE 19801

**Re: Marjorie Lamb, et al v. Correctional Medical Services, Inc.  
C. A. No.: 08-CV-00324-GMS**

Dear Judge Sleet:

I represent defendant, Correctional Medical Services, Inc. (CMS) in the above-referenced matter. Our Motion to Dismiss Plaintiffs' Complaint Pursuant to Fed.R.Civ.P. 12(b)(6) has been filed essentially contemporaneously with this letter. The Motion is predicated upon the application of Eleventh Amendment immunity to CMS.

I write simply to advise the court that this identical issue is presently pending in identical form (i.e., Motion to Dismiss Complaint) before Your Honor in the matter of *J. Anthony Hutt, et al v. Correctional Medical Services, Inc.*, Civil Action No.: 1:08-cv-00184 GMS and before the Honorable Sue L. Robinson, U.S.D.J. in the matter of *Charles Austin v. Correctional Medical Services, Inc., et al*, Civil Action No.: 08-CV-00204 SLR.

The Honorable Gregory M. Sleet, U.S.D.J.

July 25, 2008

Page 2

While it is anticipated that the *Hutt* and *Austin* matters will be consolidated at some point in the future, they have not yet been consolidated and, consequently, the same (dispositive) issue is pending resolution independently in these three separate actions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Griffith', with a long, sweeping horizontal line extending to the right.

Daniel A. Griffith  
Partner

DG:rc

Enclosures