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ADMITTED TO PRACTICE IN:
NEW YORK; NEW JERSEY;
UNITED STATES SUPREME COURT;
U.S. COURTS OF APPEALS FOR THE
SECOND AND THIRD CIRCUITS;
U.S. DISTRICT COURTS FOR THE
DISTRICT OF CONNECTICUT;
DISTRICT OF NEW JERSEY;
NORTHERN DISTRICT OF ILLINOIS;
EASTERN, NORTHERN & SOUTHERN
DISTRICTS OF NEW YORK; U.S.
COURT OF INTERNATIONAL TRADE;
U.S. COURT OF FEDERAL CLAIMS.



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June 28, 2011

Honorable Arlene R. Lindsay
United States District Court, E.D.N.Y.
814 Federal Plaza
Central Islip, New York 11722-4451

Re: *Maloney v. Rice*
Docket No. CV- 03-786

Via ECF with courtesy copy by regular mail

Dear Judge Lindsay:

I write jointly after having conferred with opposing counsel, Liora Ben-Sorek, Esq., who has approved this letter before filing. This letter is being filed by ECF as a status report.

The parties have agreed that Defendant will produce the proffered witness, Mr. Mancuso,¹ on June 29, 2011, at the time and place previously noticed, provided that Plaintiff withdraws without prejudice his pending letter motion (DE # 120) to compel the production of Defendant RICE personally. Plaintiff agrees to withdrawal of the motion without prejudice. The parties further agree that Defendant's cross-motion for a protective order protecting Defendant RICE from being deposed personally (*see* DE # 121 at page 3 of 23) is also withdrawn without prejudice to its renewal should Plaintiff, after the Mancuso deposition, renew his motion to compel the production of Defendant RICE personally.

Respectfully,

James M. Maloney

cc (via ECF only): all counsel of record

¹ ADA Mancuso was proffered to testify at that time and place by Defendant in her letter of June 22 (DE # 121 at page 3 of 23). Plaintiff does not agree that his "motion to compel is moot," *see id.*, as it is Plaintiff's position that that cannot be determined until Mr. Mancuso has been deposed and the extent of his knowledge thereby ascertained.