

JAMES M. MALONEY
ATTORNEY AT LAW
PROCTOR IN ADMIRALTY

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



P.O. Box 551
33 BAYVIEW AVENUE
PORT WASHINGTON, NY 11050

TEL: (516) 767-1395
FAX: (516) 767-1326

E-MAIL ADDRESS:
maritimelaw@nyu.edu

September 29, 2008



The Honorable Kathleen M. Rice
Nassau County District Attorney
262 Old Country Road
Mineola, NY 11501

Re: Appellee's Brief, *Maloney v. Cuomo et al.*
Docket No. 07-0581-cv (Second Circuit)
Disclosure violative of SSL § 422(12), etc.

Dear District Attorney Rice:

Further to my letter to you dated August 4, 2008 (true copy attached), enclosed is a redacted but otherwise true copy of a September 22, 2008, decision of the New York State Office of Children and Family Service's Bureau of Special Hearings. The names of my children, the identifying number of the report, and the recitation of the contents of the initial report (many parts of which, as reflected in the Nassau County Department of Social Services case worker's notes upon which the decision was based, were subsequently admitted to have been inaccurate by the very person who made the initial report) have all been redacted. The decision holds that my having been listed on the New York State Central Register of Child Abuse and Maltreatment (hereinafter, the "Register"), as was the case for nearly eight years, was all along unsupported by a fair preponderance of the evidence. Please read the enclosed decision.

As I previously attempted to bring to your attention via the enclosures to my August 4, 2008, letter (including my Notice of Entry and Demand for Retraction of Appellee's Brief that was first served on you by Certified Mail in November 2007), the unauthorized and unjustified public disclosure--by a public official--of my having been listed on the Register (which disclosure was made on your behalf by Karen Hutson, Esq. at page 6 of the Brief) would appear to constitute commission of one or more Class A misdemeanors under the provisions of subdivision 12 of § 422 of the Social Services Law and/or of subdivision 1 of § 195.00 of the Penal Code.

This will be my last request for your assistance in this matter. I have received no response to my August 4, 2008, letter; if this letter is equally ineffective I shall assume that you have no interest in righting a wrong perpetrated on your behalf, presumably with your knowledge and consent and certainly with your *post hoc* approval.

Respectfully,

James M. Maloney