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August 2, 2015

Via ECF

Hon. Pamela K. Chen
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Maloney v. Singas
CV-03-786 (PKC) (AYS)

Dear Judge Chen:

This office represents acting-District Attorney Madeline Singas in connection with the above-referenced matter challenging the constitutionality of a New York State statute. For the reasons set forth below, this letter is sent to respectfully request an extension of time to respond to Plaintiff's letter of July 31, 2015 (DE 148).

As the Court will recall, a discovery conference was held on July 23, 2015, the subject of which was the Plaintiff's opposition to submitting to a deposition in this action. Plaintiff, who is an attorney and is representing himself in this case, was to notify the Court within a week of the July 23 conference as to his decision to submit to a deposition, or forego his deposition. The latter would result in his being barred from testifying at trial in this action.

By letter dated July 31 (DE 148), Plaintiff goes to great lengths trying to explain why neither of those options is acceptable to him. Instead, Plaintiff proposes a "compromise" whereby Nassau County would be enjoined from prosecuting him for violations of the Penal Law with regards to his use of nunchucks from August 24, 2000 to the present. Plaintiff's portion of the "compromise" would be to waive his Fifth Amendment rights against self-incrimination. At first glance, however, there is no concession on Plaintiff's part since he is requesting a court order preventing him from being prosecuted.

The issue has become more complex and requires time to discuss with our client and to properly brief a response.

The person with whom I need to speak at the District Attorney's Office is out and not expected to return to the Office until mid-August and I will be out of the office starting tomorrow until August 19. Therefore we respectfully request an extension of time, until August 28, to file the Defendant's response. I informed the Plaintiff that I would be filing this letter requesting until late August to respond, and he has consented to same.

Thank you for your time and attention in this matter.

Respectfully submitted,

/s/

Liora M. Ben-Sorek
Deputy County Attorney

cc: James Maloney, Plaintiff *Pro Se* (Via ECF and E-Mail)