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ADMITTED TO PRACTICE IN:  
NEW YORK; NEW JERSEY;  
UNITED STATES SUPREME  
COURT; UNITED STATES  
COURTS OF APPEAL FOR  
SECOND AND THIRD CIRCUITS;  
SOUTHERN AND EASTERN  
DISTRICTS OF NEW YORK;  
DISTRICT OF NEW JERSEY;  
DISTRICT OF CONNECTICUT;  
NORTHERN DISTRICT OF  
ILLINOIS; UNITED STATES  
COURT OF INTERNATIONAL  
TRADE.

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**RECEIVED IN CHAMBERS**

August 9, 2004

By hand

AUG 12

Dorothy Oehler Nese, Esq.  
Assistant Attorney General, State of New York  
200 Old Country Road, Suite 460  
Mineola, NY 11501

Re: *Maloney v. Spitzer* (CV- 03-786) (ADS) (MLO)

Dear Ms. Nese:

Enclosed, in support of my motion for summary judgment in the above-captioned case, are:

- (1) my Declaration with attached Exhibits 1 through 12;
- (2) a memorandum of law; and
- (3) a courtesy copy of Professor William Van Alstyne's essay, "The Second Amendment and the Personal Right to Arms," 43 Duke L.J. 1236 (1994).

Per the terms of the Stipulation of June 18, 2004, your response should be served by Friday, October 8, 2004.

Very truly yours,

James M. Maloney

cc (by regular mail, without enclosures):

Hon. Arthur D. Spatt  
United States District Court Judge  
United States District Court, E.D.N.Y.  
100 Federal Plaza  
Central Islip, New York 11722

Hon. Michael L. Orenstein  
Magistrate Judge  
United States District Court, E.D.N.Y.  
100 Federal Plaza  
Central Islip, New York 11722