

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JAMES M. MALONEY,

Plaintiff,

CV 03-786 (ADS) (MLO)

- against -

STIPULATION

ELIOT SPITZER, in his official capacity as
Attorney General of the State of New York, and his
successors,

Defendants.
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WHEREAS Plaintiff intends to move for summary judgment; and

WHEREAS papers in support of the motion were served by the Plaintiff on August 9,
2004; and

WHEREAS Defendant has requested an extension of time to respond beyond that
specified in the previous stipulation of June 18, 2004;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and
between the parties to the above-captioned action that Defendant shall serve all papers in
opposition electronically as pdf documents attached by e-mail addressed to **jmm257@nyu.edu**
before 12:01 a.m., Thursday, October 14, 2004 (i.e., by midnight, Wednesday, October 13),
and that Plaintiff shall serve all papers in reply on or before Monday, November 1, 2004,
provided that Defendant's papers were served and received as hereinbefore provided. It is
expressly understood by the undersigned that, should Defendant fail to serve all papers in

opposition as hereinbefore provided, Plaintiff shall file the motion unopposed, with Defendant reserving the right to seek leave of Court to respond.

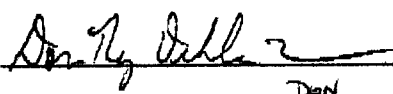
Dated: October 8, 2004



JAMES M. MALONEY (JM-3352)
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ELIOT SPITZER
Attorney General of the State of New York

By:  _____

^{Don}
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