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U.S. DISTRICT COURT E.D.N.Y.

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LONG ISLAND OFFICE

**BY FAX with permission (631) 712-5705**

Hon. Michael L. Orenstein  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

Re: James Maloney v. Spitzer, et al.  
**CV-03-0786 (ADS) (MLO)**

Dear Magistrate Judge Orenstein:

This office represents Nassau County District Attorney Denis Dillon in the above-referenced action. The reason for this letter is to inform the Court that since the Nassau County District Attorney was served with the Amended Complaint on September 9, 2005, this office was unaware until this morning that there was a court conference in this action today, at 10:30 a.m., because it was scheduled prior to our involvement in the case. Accordingly, we respectfully request that we be permitted to attend the conference by phone since we will not be able to attend the conference in person.

Thank you for your consideration in this matter, we apologize for any inconvenience this may cause.

Respectfully submitted,

Tatum J. Fox (TF 5905)  
Deputy County Attorney  
(516) 571-3044

cc: James Maloney  
Dorothy Oehler Nese