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February 6, 2006

Hon. Michael L. Orenstein
United States District Court
Eastern District of New York
P.O. Box 9014
Central Islip, New York 11722

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

Dear Magistrate Judge Orenstein:

This office represents former Nassau County District Attorney Denis Dillon in the above-referenced action. This matter was recently assigned to the undersigned in the place and stead of Deputy County Attorney Tatum Fox and a Notice of Appearance to that effect has been filed. The purpose of this letter is to request an adjournment of the status conference currently scheduled for Friday, February 10, 2006 at 2:00 p.m. The other parties join in this request.

Initially, the undersigned sought (and received) consent of plaintiff and counsel for co-defendant to request an earlier conference time on February 10th. The request was predicated upon counsel's inability to attend Friday afternoon conferences during the winter months because of the early onset of the Sabbath.

Plaintiff *Pro Se*, James Maloney, additionally suggested that perhaps the parties would consent to adjourn the conference for a period of months while waiting for a determination as to whether the Supreme Court will consider the case of Bach v. Pataki which, the plaintiff believes, may be relevant to his Constitutional challenge in this action. Neither Assistant Attorney General Dorothy Nese nor I have an objection to Mr. Maloney's request.

Accordingly, it is respectfully requested that this Court either (a) adjourn the scheduled conference for a period of 2-3 months or, alternatively, (b) re-schedule the February 10, 2006 conference for that same morning.

Thank you for your attention in this matter.

Very truly yours,

Liora M. Ben-Sorek (LMB 1971)
Deputy County Attorney

cc: James Maloney, Esq., Plaintiff *Pro Se* (Via ECF)
Dorothy Nese, Esq. (Via ECF)