

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

**JAMES M. MALONEY**  
**ATTORNEY AT LAW**  
**PROCTOR IN ADMIRALTY**



P.O. Box 551  
33 BAYVIEW AVENUE  
PORT WASHINGTON, NY 11050

TEL: (516) 767-1395  
FAX: (516) 767-1326

E-MAIL ADDRESS:  
**maritimelaw@nyu.edu**

April 3, 2006

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

FILED VIA ECF

4/10/06

*Conference remains as an  
in person conference.*

Re: *Maloney v. Spitzer et al.* (CV- 03-786) (ADS) (MLO) *So Ordered*

Honorable Sir:

I am the *pro se* Plaintiff in the above-captioned case.

*USMJ*

I write, jointly with counsel for all Defendants, to request that the conference before Your Honor scheduled for Tuesday, April 11, 2006, at 2:30 p.m., be held telephonically. Ms. Nese, the attorney for Defendants Eliot Spitzer and George Pataki, has offered to initiate the conference call, convening all three attorneys and then calling chambers.

Since the last conference, all attorneys have stipulated to a general briefing timetable that will apply once any dispositive motion is made. The original stipulation, executed by all attorneys, is enclosed with the courtesy copy of this letter, and it is respectfully requested that Your Honor "so order" it. Defendants Eliot Spitzer and George Pataki will be answering or moving with respect to the Amended Complaint by April 11, 2006, before the conference is held. If a 12(b) motion is made, the terms of the stipulation will apply.

Lastly, I note that on February 21, 2006, the Supreme Court denied *certiorari* in the *Bach v. Pataki* case, in which the Second Circuit had held that it was bound by prior Supreme Court precedent that, in turn, had held that the Second Amendment is not incorporated as against the States.

Respectfully,

James M. Maloney

cc: Dorothy Oehler Nese, Esq.  
Liora M. Ben-Sorek, Esq.