

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

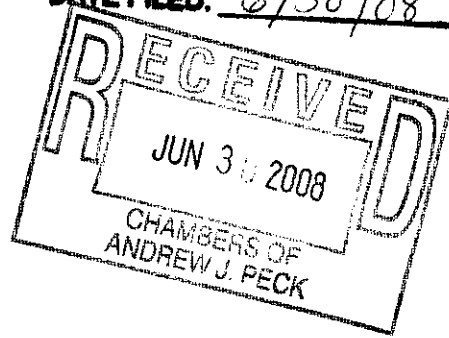
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June 27, 2008



VIA FEDERAL EXPRESS

The Honorable Andrew J. Peck
United States Magistrate Judge
Southern District of New York
500 Pearl St, Room 1370
New York, NY 10007

Re: **Roberto Rivera, M.D. v. Ruth Smith, M.D., Jess A. Bunshaft,
and St. Vincent Catholic Medical Center**
Docket No. : 07 CV 3246 (BSJ) (AJP)
Our File No. : 08987.00003

Dear Judge Peck:

Please allow this letter to serve as a follow-up to the parties' telephone conference with Your Honor held on June 26, 2008. I attempted to comply with the Court's request that I contact Fran Dirks to ascertain whether she would authorize plaintiff to disclose written communication between him and Fran Dirks, and learned that Ms. Dirks was on her way to the airport and would not be returning to the country until July 5, 2008. In light of the forgoing, and to avoid further delay given our discovery deadline and impending deadline for summary judgment, we kindly request that plaintiff be directed to turn over the relevant communication forthwith.

Thank you for your attention and consideration in this matter.

Respectfully,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

Nancy V. Wright
Nancy V. Wright

NVW
cc: Dr. Roberto Rivera (via Federal Express)

BY FAX

3276770.1

MEMO ENDORSED
*Dirks was already ordered and
at present. Hold your written
discovery search until he first appears
on the list.*
SO ORDERED
[Signature]
Hon. Andrew J. Peck

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
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Dated: June 30, 2008

Total Number of Pages: 2

TO	FAX NUMBER
Roberto Rivera, M.D.	914-961-5729
Nancy V. Wright, Esq.	212-490-3038

TRANSCRIPTION:

MEMO ENDORSED 6/30/08

Plaintiff was already so ordered and cited for contempt. Make your motion along with SJ motion unless he first complies.

Copy to: Judge Barbara S. Jones