

RECEIVED
JUN 16 2008
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SIMPSON THACHER & BARTLETT LLP

425 LEXINGTON AVENUE
NEW YORK, N.Y. 10017-3954
(212) 455-2000

FACSIMILE (212) 455-2502

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/24/08

DIRECT DIAL NUMBER
(212) 455-2655

E-MAIL ADDRESS
bostrager@stblaw.com

BY HAND DELIVERY

June 9, 2008

Re: *Team New Zealand Limited v. Société Nautique de Genève, et al.*, Nos. 08 Civ. ~~0228~~, 08 Civ. 4215 (WHP)

2228

The Honorable William H. Pauley III
500 Pearl Street, Room 2210
New York, NY 10007

Dear Judge Pauley:

We represent defendants Société Nautique de Genève, AC Management, S.A., Team Alinghi, S.A., and Ernesto Bertarelli ("Defendants") in the related actions, *Team New Zealand Limited v. Société Nautique de Genève, et al.*, No. 08 Civ. 0228 and *Team New Zealand Limited v. Société Nautique de Genève*, 08 Civ. 4215. Pursuant to Federal Rule of Civil Procedure 26 and Your Honor's Order for Initial Pretrial Conference, dated March 31, 2008, we have conferred with counsel for Plaintiff Team New Zealand Limited regarding the Rule 26(f) report in these cases.

The parties jointly request that Your Honor adjourn the parties' Rule 26 obligations at least until the Court resolves Plaintiff's motion to remand and Defendants' proposed motion to compel arbitration. Plaintiffs filed a motion to remand the breach of contract/breach of fiduciary duty case (No. 08-4215) on June 4, 2008. That motion is scheduled to be fully briefed by June 25, 2008. In our May 9, 2008 pre-motion letters, Defendants stated their intent to file motions to compel arbitration or to dismiss these actions. Plaintiff has stated it will oppose these motions. In light of the uncertainty regarding whether one or both of these cases will continue in this Court, or alternatively be remanded or referred to arbitration, the parties submit that it would be inefficient to undertake negotiations at this time regarding a discovery schedule. In the alternative, the parties request that the Court defer the Rule 26 requirements so the issue of the timing of a Rule 26(f) report can be addressed at the June 20, 2008 initial pre-trial conference.

Respectfully,

Barry R Ostrager / yuy
Barry R. Ostrager

Application Granted
SO ORDERED:


WILLIAM H. PAULEY III U.S.D.J.

6/23/08

SIMPSON THACHER & BARTLETT LLP

The Honorable William H. Pauley III -2-

June 6, 2008

cc: David Boies, Esq. (By overnight mail)
Philip M. Bowman, Esq. (By overnight mail)