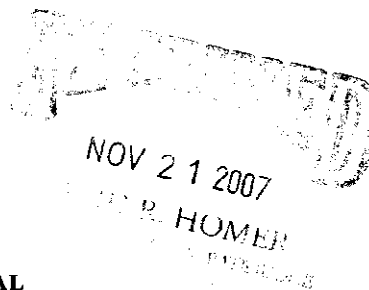




STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL



ANDREW M. CUOMO
Attorney General

STATE COUNSEL DIVISION
Litigation Bureau

Writer Direct: (518) 473-5093

November 20, 2007

By CM/ECF

Hon. David R. Homer
United States Magistrate Judge
James T. Foley U.S. Courthouse
445 Broadway, Room 441
Albany, NY 12207

Re.: Schulz v. State of New York, 07-CV-0943

Dear Judge Homer:

As the "lead defense counsel" in this action I respectfully request that the time for all the defendants to respond to the amended complaint be extended until December 10, 2007. I have spoken with the lead plaintiff, Bob Schulz, who consents to this request. Mr. Schulz also requests, and I consent, that any deadline currently established for the plaintiffs to file a response to any motion already before the Court be extended to the normal time to file opposition as if all the motions were filed on December 10, 2007 and that the plaintiff's be granted leave to file a consolidated response to all motions filed as of that time.

Mr. Schulz reports that, as of today, he believes all the defendants have been served. Because service has been effected over the course of many days, defendants are operating on various deadlines for responding to the complaint. It is our desire to unify the schedule for the filing of motions and opposition as much as possible.

A review of the docket will reveal that several defendants have already responded to the complaint by filing motions to dismiss, so this request will be moot as to them. A review of the motions already filed further reveals that each relies on virtually the same grounds. I have been advised by Judge Kahn's chambers that any defendant wishing to file an affidavit merely joining a motion to dismiss which has been filed, rather than filing an independent motion, is welcome to do so. Such a practice will, of course, reduce the amount of paper which the Court will be required to consider. I have communicated this offer to all the AAGs with whom I have been in contact. Several state AAGs have contacted me and indicated that they are considering that alternative, but

November 20, 2007

Page 2

desire additional time to reach a decision about whether to file an independent motion or simply join one already filed.

I am also coordinating and spearheading the process of filing the motions for *pro hac vice* admission of the various state defendants. Those motions are being filed as the necessary paperwork is received. That process is building steam and I anticipate filing several additional motions tomorrow. Several AAGs have expressed the concern, however, that the deadline for filing a response to the amended complaint will pass before they have been admitted and for that reason as well desire an extension of the response deadline.

Mr. Schulz and I have had extraordinarily congenial communications regarding the "administrative" issues related to getting this lawsuit to the point that all the parties have been served, the out-of-state attorneys are admitted and appear, and the responses to the complaint are filed so that the merits of the lawsuit may be considered by the Court. We believe that consolidating the timetable as discussed above is the most efficient manner to efficiently "get to the merits" and respectfully request that you approve this request.

Thank you for your consideration of this matter.

Respectfully submitted,

s/Bruce J. Boivin
Bruce J. Boivin
Assistant Attorney General
Bar Roll No. 507894

cc: Robert L. Schulz
As Plaintiff Liaison
2458 Ridge Road
Queensbury, NY 12804

All defense Counsel who have appeared via CM/ECF

So ordered.

Daniel R. Homer
U.S.M.J.
11/21/07