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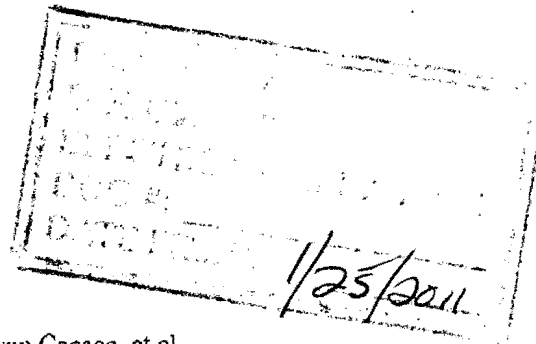
JUNE DUFFY
ASSISTANT ATTORNEY GENERAL IN CHARGE
LITIGATION BUREAU

MEMO ENDORSED

January 21, 2011

By Facsimile Transmission - (914) 390-4278

Hon. Cathy Seibel
United States District Court Judge
United States Courthouse
300 Quarropas Street
White Plains, NY 10601-4150



Re: Alan Kachalsky, et al. v. Susan Cacace, et al.
10 CV 5413 (CS)

Dear Judge Seibel:

This office represents Susan Cacace, Jeffrey A. Cohen, Albert Lorenzo and Robert K. Holdman, all of whom are New York State court judges (collectively "State Defendants"), in this litigation challenging the constitutionality of New York's handgun licensing statute. This letter is submitted in accordance with your individual practices 1 (A) and (C) to advise the Court that after consideration of Plaintiffs' Motion for Summary Judgment, served on January 5, 2011, the State Defendants intend to cross-move for summary judgment simultaneously with the service of their opposition to plaintiffs' motion for summary judgment.

The briefing schedule now in place does not contemplate a summary judgment motion on behalf of the State Defendants. Accordingly, the State Defendants propose a slight amendment to the current motion briefing schedule to provide for the briefing of that motion. Under the current schedule, the State Defendants are to serve their reply to plaintiffs' opposition to the State Defendants' Motion to Dismiss, as well as the State Defendants' opposition to plaintiffs' motion for summary judgment, on Wednesday January 26, 2011. Plaintiffs are then to serve their reply regarding their motion for summary judgment on February 9, 2011, and immediately thereafter all parties are to make ECF submissions of all motion papers.

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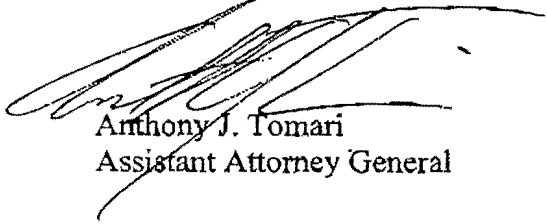
Under the State Defendants' proposed amendment to the briefing schedule, State Defendants will still serve their motion-to-dismiss reply memorandum and their opposition to plaintiffs' motion for summary judgment, on January 26, 2011, the present date, and on that same date will also serve their papers supporting their cross-motion for summary judgment. Plaintiffs would then have until February 9, the date already in place, to serve their reply in further support of their motion for summary judgment as well as their opposition to State Defendants' cross-motion for summary judgment. Thereafter, in the only change to the current briefing schedule, State Defendants will have two weeks, or until February 23, 2011 to serve their reply memorandum on their cross-motion for summary judgment, immediately following which, all parties will electronically file all their own motion papers. Thus the only alteration to the current schedule would be a two week time period following service of plaintiffs' opposition to allow the State Defendants' to submit their reply memorandum in further support of their cross-motion for summary judgment.

In addition, State Defendants request, pursuant to your individual practice 2 (B)(i), and in accordance with your Order of October 28, 2010, that they be allowed to submit a reply brief in further support of their motion to dismiss of up to fifteen (15) pages in length, and be allowed up to fifty (50) pages for their memorandum of law which will be both in support of their motion for summary judgment, as well as in opposition to plaintiff's motion for summary judgment.

I tried to reach Plaintiffs' counsel today to ascertain their consent but was unable. Defendant County of Westchester consents to all the requests herein.

Thank you for your attention to this matter. All parties will receive a copy of this letter simultaneously by facsimile transmission.

Very truly yours,



Anthony J. Tomari
Assistant Attorney General

*Schedule approved on consent.
Reply may be 15 pages. Memorandum
in opposition to Plaintiff's MSJ +
in support of the State Defendants' MSJ
may total 40 pages.*

So Ordered.

Cathy Seibel
Cathy Seibel, U.S.D.J.

Dated: 1/24/11

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Copy:

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FACSIMILE TRANSMISSION

DATE: January 21, 2011 NUMBER OF PAGES: 4 (INCLUDING THIS PAGE)

TO: Hon. Judge Seibel FAX NO: (914) 390-4278

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FROM: Anthony Tomari, Assistant Attorney General

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