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June 3, 2008

BY FEDERAL EXPRESS

Mr. Eliot I. Bernstein
39 Little Avenue
Red Bluff, CA 96080

Re: *Bernstein, et al. v. Appellate Division, First Department
Departmental Disciplinary Committee, et al.*, Index No. 07 Civ.
11196 (SAS)

Dear Mr. Bernstein:

As you know, our firm represents defendants Foley & Lardner LLP, Steven C. Becker, Douglas A. Boehm, William J. Dick, and Michael W. Grebe in this action. I am writing in response to your e-mailed demand of Saturday, May 31, 2008 to "all sued parties" for disclosure of "insurance agreements" under Rule 26 of the Federal Rules of Civil Procedure. Pursuant to the time provisions in Rule 26(a)(1)(C), parties make initial disclosures (including of insurance agreements) "at or within 14 days after the parties' Rule 26(f) conference unless a different time is set by stipulation or court order, or unless a party objects during the conference that initial disclosures are not appropriate in this action and states the objection in the proposed discovery plan." There has been no Rule 26(f) conference in this matter, nor has there been any time set by stipulation or court order. Given the pending motions to dismiss, I believe that it makes sense to defer any such conference until after resolution of the motions.

Sincerely yours,



Kent K. Anker

cc: Mr. P. Stephen Lamont (Via Federal Express)
Defendants' Counsel (Via Federal Express)