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February 29, 2008

Via Mail

Honorable Shira A. Scheindlin  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Bernstein v. Appellate Division, First  
Department Departmental Disciplinary  
Committee, et al.  
S.D.N.Y. Case No. 07 CV 11196 (SAS)

Dear Judge Scheindlin:

This Office represents or will represent thirty-nine (39) of the defendants named in the above-referenced pro se action, including the Hon. Judith S. Kaye, Chief Judge of the New York State Court of Appeals; various judges of the Supreme Court of the State of New York, Appellate Divisions, First and Second Departments; the attorney discipline committees of the First and Second Departments, as well as certain members and current and former counsel of the Committees, and various other state actors and entities (hereinafter the "State Defendants"). We write regarding some issues relating to service and to request a schedule for State Defendants' time, once service issues are resolved, to respond to the complaint.

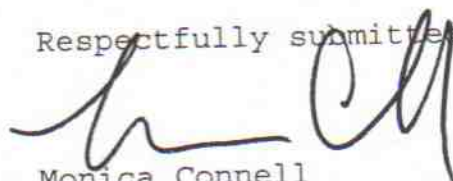
Pursuant to this Court's January 9, 2008 order, the United States Marshals have been directed to effect service of this complaint upon the named defendants. The Marshals have served some if not all defendants by mail with a request to waive personal service of the summons and complaint, but without providing a copy of the summons and complaint, attaching instead copies of motion papers and the Court's order in this case. This office and some of the defendants have received copies of what

appears to be the complaint in this action, either by mail from the Marshal's office or by mail or e-mail from the plaintiffs themselves. Upon information and belief, the Marshals re-served the defendants with the complaint and a request to waive personal service by mail on February 27, 2008. Notwithstanding the confusion regarding service, the State Defendants do not wish to prolong or complicate service and intend to return the waivers of personal service. We would like to have until March 21, 2008 to return the waiver statements to the Marshals Service.

In light of the number of defendants sued and the number of claims asserted in the complaint, we ask the Court to permit State Defendants to have until May 30, 2008 to respond to the complaint.

Finally, State Defendants anticipate filing a motion to dismiss. We would like to know whether defendants will be required to exchange letters with the pro se plaintiffs herein prior to moving to dismiss. The Court's Individual Practices specifically exempt pro se cases from the requirement that the parties exchange pre-motion letters in motions requiring a conference but are silent as to whether this exemption applies to motions to dismiss which do not require a pre-motion conference. See Individual Rules and Procedures, Part III, (A) and (B).

Respectfully submitted,



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MC/

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