

April 12, 2006

Hon. Arthur D. Spatt
United States District Court, E.D.N.Y.
1020 Federal Plaza
Central Islip, New York 11722

Re.: Maloney v. Spitzer (CV- 03-786)
(Spatt, J.)(Orenstein, M.)

Dear Judge Spatt:

I am counsel of record for New York State Attorney General Eliot Spitzer and Governor George Pataki, named Defendants in the above-captioned case. As per instructions I received today from Robert Imrie, Magistrate Michael Orenstein's courtroom deputy, please be advised that the State Defendants hereby withdraw the Motion To Dismiss the Amended Complaint pursuant to FRCP Rule 12(b)(1) & (6)(bearing docket # 57, with three related attachments), and substitute in its place a new motion to dismiss, bearing docket # 59, with three related attachments. Courtesy copies of the motion papers are included under cover of this letter, per your rules.

Thank you for your consideration.

Very truly yours,

Dorothy Oehler Nese (DON9327)
Assistant Attorney General

Enc.

cc: Hon Michael L. Orenstein
Chief Magistrate Judge
United States District Court, E.D.N.Y
100 Federal Plaza
Central Islip, New York 11722

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cc: *without enclosures, to:*
Ms. Carol McMahon
United States District Court, E.D.N.Y.
100 Federal Plaza
Central Islip, New York 11722

cc: *via ECF, to:*
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