



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO
Attorney General

REGIONAL OFFICE DIVISION
NASSAU REGIONAL OFFICE

via ECF and courtesy copy

January 22, 2007

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 Andrew M. Cuomo and Governor Eliot Spitzer, named Defendants in the above-captioned case. This letter is submitted in response to Plaintiff's motion asking the Court for reconsideration of its Decision and Order dated January 17, 2007, which dismissed the Amended Complaint in the above-captioned action for all purposes. Insofar as Plaintiff's motion does not seek reconsideration of the portion of the Decision and Order that dismissed the Amended Complaint as against the State Defendants on jurisdictional grounds (this was confirmed in a telephone conversation this afternoon with Mr. Maloney), Attorney General Cuomo and Governor Spitzer decline to submit affidavits and/or briefs in opposition to the motion for reconsideration, but respectfully submit that the Decision and Order dated January 17, 2007 should be upheld in all respects.

Thank you for your consideration.

Very truly yours,

Dorothy Oehler Nese (DON9327)
Assistant Attorney General

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

January 19, 2007

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cc: *via ECF only, to:*

James M. Maloney

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