



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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December 6, 2007

By CM/ECF

Hon. David R. Homer
United States Magistrate Judge
James T. Foley U.S. Courthouse
445 Broadway, Room 441
Albany, NY 12207

Re.: Schulz v. State of New York, 07-CV-0943

Dear Judge Homer:

As the "lead defense counsel" in this action I respectfully request that the time for all the defendants to respond to the amended complaint be extended from December 10, 2007 until December 17, 2007. I have spoken with the lead plaintiff, Bob Schulz, who objects to extending the deadline believing such an extension is unnecessary; he will further elaborate on that argument if he chooses by separate letter. As it is anticipated that each of the defendants will be, or have, filed motions to dismiss, I also address, at Mr. Schulz' request, the issue of the deadline for plaintiffs to oppose the various motions, at the end of this letter.

This request is necessary because the deadline for responding to the amended complaint December 10, 2007. I have been serving as sponsor for the various states' Assistant Attorneys General's *pro hac vice* applications and have been monitoring their processing. To date, 46 such applications have been submitted. Of those, 30 applications have been granted and the Order granting the applications filed. I believe Orders granting an additional 16 applications were signed today and are awaiting filing. Of the applications which have been approved, it is my understanding that approximately 25 applicants are awaiting the issuance of bar roll numbers and CM/ECF passwords. It is further my understanding that the administrative process necessary to accomplish that task will not be completed until next week.

Without bar roll numbers and passwords, the *pro hac vice* attorneys will be unable to appear and electronically file responses for their clients. Based upon the information I have gathered from various Court support personnel, granting an extension of time until December 17, 2007 will ensure

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that all those seeking admission *pro hac vice* will be “fully admitted” and able to timely file responsive papers.

Several defendants have already filed a response. This request is therefore moot as to them. Because of the number of defendants involved, I respectfully request that this request to extend the extension apply to all defendants who have not yet filed responsive papers regardless of whether they have actually received a bar roll number and password as culling those individuals from the pack would be administratively burdensome and potentially create confusion.

In a somewhat related matter, Mr. Schulz has asked me to bring to the Court’s attention that as each of the motions are filed, a separate return date and deadline for filing opposition is automatically generated by the CM/ECF system. In my letter of November 20, 2007 (Dkt. No. 38) which the Court “so ordered” on November 21, 2007 (Dkt. No. 48), it was agreed that plaintiff’s would file a consolidated response to all motions at a date to be determined with the anticipation that all motions would be filed by the amended deadline. In order to avoid a situation where it appears that plaintiff’s have not opposed an individual motion, Mr. Schulz requests that the Court issue instructions setting the deadline for their opposition and affirmatively order that such a response is intended to be a consolidated opposition to all the motions.

Thank you for your consideration of this request..

Respectfully submitted,

s/Bruce J. Boivin

Bruce J. Boivin

Assistant Attorney General

Bar Roll No. 507894

cc: Robert L. Schulz
As Plaintiff Liaison
2458 Ridge Road
Queensbury, NY 12804

All defense Counsel who have appeared via CM/ECF