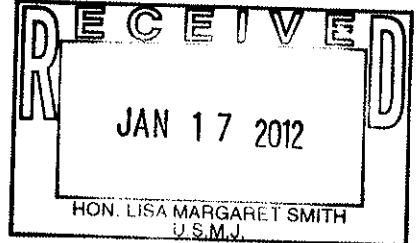




OFFICE OF THE DISTRICT ATTORNEY
WESTCHESTER COUNTY

WESTCHESTER COUNTY COURTHOUSE
111 Dr. Martin Luther King, Jr. Blvd.
White Plains, New York 10601
(914) 995-2000



JANET DiFIORE
DISTRICT ATTORNEY

January 17, 2012

VIA FACSIMILE (914) 390-4135
Hon. Lisa Margaret Smith
United States Magistrate Judge
The Hon. Charles L. Briant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Re: *Fiorito v Ramos-Kelly, et al* (10 CV 4645 LAP)

Dear Judge Smith:

Pursuant to my discussions with your law clerk, I am writing to advise you that due to "technical difficulties" with our scanner, I have been unable to electronically file the exhibits accompanying the Westchester County District Attorney's Office declaration in opposition to plaintiff's motion to compel the non-party deposition of Assistant District Attorney John George in the above-referenced matter. These exhibits consist of the deposition transcripts of Assistant District Attorneys Doreen Lloyd and Amit Parab, as well as excerpts from the transcript of defendant Diane Ramos-Kelly's deposition. I was able to electronically file our declaration in opposition and accompanying memorandum of law.

I have been advised that the matter will be rectified shortly and I will endeavor to electronically file the exhibits no later than close of business tomorrow, January 17, 2012. In the meantime, I will deliver a courtesy copy of our papers to Chambers.

Thank you for your courtesies in this matter.

*Proposed procedure is accepted.
SO ORDERED
Lisa Margaret Smith
1/17/12*

Very truly yours,

JANET DiFIORE
DISTRICT ATTORNEY

John J. Carmody
John J. Carmody
Assistant District Attorney