

March 16, 2012

By ECF and Hand Delivery

The Honorable Reena Raggi
United States Court of Appeals
for the Second Circuit
225 Cadman Plaza East
Brooklyn, NY 11201

The Honorable Gerald E. Lynch
United States Court of Appeals
for the Second Circuit
40 Foley Square
New York, NY 10007

The Honorable Dora L. Irizarry
United States District Court
for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Favors et al. v. Cuomo et al.*, No 11 Civ. 5632

Dear Judges Raggi, Lynch, and Irizarry:

This firm, together with Jeffrey M. Wice and Leonard M. Kohen, represents Defendant Senators John L. Sampson and Martin Milavé Dilan in the above-referenced matter. We write briefly for two reasons.

First, in the letter we submitted to the Court yesterday, we stated, with respect to the state court Senate size case, that “state law precludes a plaintiff from moving for summary judgment until the defendants have answered.” Later in the day, we realized that the state court case, *Cohen v. Cuomo*, N.Y. Supreme Court Index No. 12-102185, is a “special proceeding,” not an action, and that the usual summary judgment rules do not apply. We wish to correct that error in our letter to this Court.

Second, we thought the Court would appreciate being advised that the state court held a scheduling conference this morning in the Senate size special proceeding, and the parties stipulated to a briefing schedule that will culminate in full submission of the arguments and oral argument on April 6, 2012.

Respectfully submitted,

/s/

Eric Hecker (EH 0989)

cc: The Honorable Roanne L. Mann (by ECF and hand)
All counsel (by ECF and email)