

JAMES M. MALONEY
ATTORNEY AT LAW
PROCTOR IN ADMIRALTY

ADMITTED TO PRACTICE IN:
NEW YORK; NEW JERSEY;
U.S. SUPREME COURT;
U.S. COURTS OF APPEALS FOR THE
SECOND AND THIRD CIRCUITS;
U.S. DISTRICT COURTS FOR THE
DISTRICT OF CONNECTICUT;
NORTHERN DISTRICT OF ILLINOIS;
DISTRICT OF NEW JERSEY;
EASTERN, NORTHERN & SOUTHERN
DISTRICTS OF NEW YORK;
COURT OF INTERNATIONAL TRADE;
COURT OF FEDERAL CLAIMS.



P.O. Box 551
33 BAYVIEW AVENUE
PORT WASHINGTON, NY 11050

TEL: (516) 767-1395
FAX: (516) 767-1326

E-MAIL ADDRESS:
maritimelaw@nyu.edu

December 16, 2008

United States Court of Appeals
for the Second Circuit
Thurgood Marshall U.S. Courthouse
500 Pearl Street
New York, NY 10007
Att: Hon. Catherine O'Hagan Wolfe, Clerk of Court

Re: *Maloney v. Cuomo et al.*
Second Circuit Docket No. 07-0581-cv

Dear Ms. Wolfe:

I am the Plaintiff-Appellant in the above-captioned matter, upon which oral argument was heard yesterday.

The purpose of this letter is to renew the two motions that were recently "denied without prejudice to renewal at or after oral argument." True copies of the November 19, 2008, orders on each of the two motions are attached hereto.

Please forward this renewal request to the Motions Clerk or Merits Panel as appropriate.

Respectfully,

James M. Maloney

cc:

Cecelia Chang, Esq., by regular mail and by e-mail to Cecelia.Chang@oag.state.ny.us
Karen Hutson, Esq., by regular mail and by e-mail to khutson@nassaucountyny.gov

THOMAS R. SUOZZI
County Executive



DORNA B. GOODMAN
County Attorney

COUNTY OF NASSAU
OFFICE OF THE COUNTY ATTORNEY
Ralph G. Caso Executive and Legislative Building
One West Street
Mineola, New York 11501-4820
516-571-2461 (Writer's Direct Line)
FAX: 516-571-6684

khutson@nassaucountynv.gov

Wednesday, December 17, 2008

The Honorable Catherine O'Hagan Wolfe
Clerk of the Court
United States Court of Appeals for the
Second Circuit
500 Pearl Street
New York, NY 10001

Re: Maloney v Cuomo et al., 07-0581-cv (2d Circuit)
Appellee's Letter Dated December 17, 2008 Opposing Appellant's Renewal of
Motions to Strike

Dear Ms. Wolfe:

This office represents Defendant-Appellee Kathleen A. Rice. In response to Plaintiff-Appellant Maloney's renewal of his motions (1) to strike Appellee's brief and refer the matter to the admissions and grievances committee and (2) to strike material in Appellee's Rule 28(j) letter dated July 28, 2008, Appellee renews her opposition to both motions. Appellee respectfully asks the Court to consider Appellee's original submissions in opposition to both motions, reflected in this Court's docket entries dated 11/5/07 and 8/11/08.

Sincerely,

Karen Hutson
Deputy County Attorney

cc by regular mail and by email:

James M. Maloney, maritimelaw@nyu.edu
Cecelia Chang, Cecelia.Chang@oag.state.ny.us

NB: SENT (MAIL & EMAIL)
RECEIVED 9/27/08
LETTER WITH
ATTACHED FAX
HEARING RESULT.

→ ATTACH EMAIL
RETURN RECEIPT

James Maloney

From: "Karen Hutson" <hutsonlaw@nyc.rr.com>
To: "James Maloney" <maritimelaw@nyu.edu>
Sent: Wednesday, October 08, 2008 4:00 PM
Subject: Re: #07-0581-cv, James Maloney, Esq., Appellant, Letter with attachment re: pending motion referred to Merits Panel

Jim: I received by email your letter dated September 27, 2008 to the 2d Circuit. Karen Hutson 516.571.2461

James Maloney wrote:

> This email with attachments is being sent to all parties in response
> to the notice received today dated 10/6/08 from Yolanda Siders, Deputy
> Clerk, advsing that my 9/27 letter had not been received via email.
> According to my electronic records, the 9/27 letter and anitvirus form
> were sent to the Court at civilcases@ca2.uscourts.gov
> <<mailto:civilcases@ca2.uscourts.gov>> at 5:36 pm on 9/27/08, i.e.,
> contemporaneoulsy with the mailing of the 9/27 letter.
>
> I am curious whether counsel received that initial (9/27) email, and
> would appreciate confirmation on that point. I am sending this email
> to an additional (cc) recipient as additional confirmation that it is
> delivered.
>
> Very truly yours,
>
> James M. Maloney
> P.O. Box 551
> Port Washington, NY 11050
> (516) 767-1395
> maritimelaw@nyu.edu <<mailto:maritimelaw@nyu.edu>>

James Maloney

From: "James Maloney" <maritimelaw@gmail.com>
To: "Karen Hutson" <hutsonlaw@nyc.rr.com>
Sent: Wednesday, October 08, 2008 4:18 PM
Subject: Re: #07-0581-cv, James Maloney, Esq., Appellant, Letter with attachment re: pending motion referred to Merits Panel

Thanks.

James M. Maloney
P.O. Box 551
Port Washington, NY 11050
(516) 767-1395
maritimelaw@nyu.edu

----- Original Message -----

From: [Karen Hutson](#)
To: [James Maloney](#)
Sent: Wednesday, October 08, 2008 5:00 PM
Subject: Re: #07-0581-cv, James Maloney, Esq., Appellant, Letter with attachment re: pending motion referred to Merits Panel

Jim: I received by email your letter dated September 27, 2008 to the 2d Circuit. Karen Hutson 516.571.2461

James Maloney wrote:

> This email with attachments is being sent to all parties in response
> to the notice received today dated 10/6/08 from Yolanda Siders, Deputy
> Clerk, advsing that my 9/27 letter had not been received via email.
> According to my electronic records, the 9/27 letter and anitvirus form
> were sent to the Court at civilcases@ca2.uscourts.gov
> <<mailto:civilcases@ca2.uscourts.gov>> at 5:36 pm on 9/27/08, i.e.,
> contemporaneoulsy with the mailing of the 9/27 letter.

>
> I am curious whether counsel received that initial (9/27) email, and
> would appreciate confirmation on that point. I am sending this email
> to an additional (cc) recipient as additional confirmation that it is
> delivered.

>
> Very truly yours,
>
> James M. Maloney
> P.O. Box 551
> Port Washington, NY 11050
> (516) 767-1395
> maritimelaw@nyu.edu <<mailto:maritimelaw@nyu.edu>>