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August 20, 2015

**BY ECF**

Honorable Robert W. Sweet  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Doc. 483

*Schoolcraft v. The City of New York, et al.,  
10-cv-6005 (RWS)*

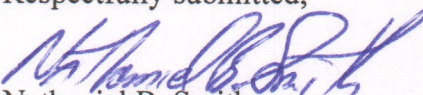
Dear Judge Sweet:

As one of plaintiff's counsel, I am writing to the Court to transmit the plaintiff's counter-proposal for the final pre-trial order in this action. The defendants unilaterally submitted a proposed order last week. Hence, I am submitting this counter-proposal to the Court.

In order to resolve the conflicts, I also request that the Court enter an order directing all parties to meet and confer next week to discuss the joint filing of a single pre-trial order whereby the parties can attempt to address many objections to the numerous trial exhibits.

Finally, I am writing to inform the Court that in the Defendants' version of the pre-trial order filed on August 14, 2015, the City Defendants' counsel has made misrepresentations to the Court about the plaintiff having *no* objections to the vast number of the defendants' exhibits. In the document filed by the City Defendants last week, defense counsel took the liberty of inserting indications that the plaintiff did *not* have objections to most of the defendants' proposed exhibits when in fact that is a false and misleading statement. Throughout all the drafts exchanged by the parties the plaintiff maintained numerous objections that were then altered by counsel for the City Defendants without my knowledge or consent. Thus, in the City Defendants' trial exhibit list there are numerous indications with a "\*" or a double "\*" that the plaintiff has no objection to a proposed exhibit on authenticity grounds or on other grounds when in fact that is not the case and has never been the case. When I asked Alan Schiener, the attorney for the City Defendants, who made these representations, to correct this false impression, he refused to do so. Thus, I am compelled to inform the Court of these facts.

Respectfully submitted,

  
Nathaniel B. Smith