



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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Writer Direct: (518) 473-6288  
September 17, 2009

Hon. Gary L. Sharpe  
United States District Judge  
United States District Court  
Northern District of New York  
James T. Foley U.S. Courthouse  
445 Broadway, Room 441  
Albany, NY 12207

Re: *Osterweil, v. Bartlett III, et al.*  
09-CV-0825 (GLS)(DRH)  
Dol.# 09-099033-O

Dear Judge Sharpe:

Defendants herein are in receipt of plaintiff's response to defendants' motion to dismiss and submit this letter in reply. We note that plaintiff has no objection to our motion to dismiss Defendants Paterson and Cuomo. Plaintiff's Memorandum pg 3. Defendants rely in full on their previous submissions and object to plaintiff's efforts to supplement the complaint and record with evidentiary submissions upon this motion addressing the face of the complaint alone. Defendants therefore, stand on the arguments outlined in their original motion papers.

Thank you for your consideration in this matter.

Respectfully,

*s/ Roger W. Kinsey*

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