



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

(212) 416-8560
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ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

KENT T. STAUFFER
EXECUTIVE DEPUTY ATTORNEY GENERAL
DIVISION OF STATE COUNSEL

LISA R. DELL
ASSISTANT ATTORNEY GENERAL IN CHARGE
LITIGATION BUREAU

Hon. Nicholas G. Garaufis
United States District Court
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *United States v. New York*, No. 13-cv-4165-NGG-MDG (E.D.N.Y.)
O'Toole et al. v. Cuomo et al., No. 13-cv-4166-NGG-MDG (E.D.N.Y.)

Dear Judge Garaufis:

This office represents the defendants in the above actions. I write on behalf of all parties with reference to the Court's request that the parties consider modification of the proposed Stipulation and Order of Settlement ("Settlement Agreement") filed on July 23, 2013. After conferring further, the parties jointly propose to modify Section L of the Settlement Agreement as follows:

The Independent Reviewer defined in Section L of the Settlement Agreement may communicate with the court on an ex parte basis, provided that the Independent Reviewer shall thereafter provide the parties a summary of the substance of the communication orally or in writing.

The parties believe that the modification will address the Court's concerns regarding its ability to remain informed of the status of the implementation of the settlement, while allowing the parties the opportunity to remain informed of and take steps to address any issues or concerns that arise during implementation. Accordingly, the plaintiffs and the defendants in the above matters respectfully request that the Court so-order the Settlement Agreement in its entirety, with this modification and the modifications accepted in the Court's Order dated October 4, 2013 (ECF No. 12), after the conclusion of the fairness hearing scheduled for January 9, 2013.

Respectfully submitted,

/s/ *Barbara K. Hathaway*

Barbara K. Hathaway
Assistant Attorney General