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May 16, 2014

Hon. Loretta A. Preska
Chief United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street,
New York, New York 10007-1312

Re: Brodsky v. NRC 1:09-cv-10594

Dear Judge Preska,

At approximately 9 pm last night, May 15, 2014, I received an email communication from Assistant United States Attorney Benjamin Torrance, counsel for the NRC in the above captioned matter. It included an attachment which constituted a three page letter to the Court (the "May 15 letter"). I had received electronic notification of its filing on ECF moments before. I had no previous knowledge of the letter, its contents, or any attempt to so approach the Court.

The letter contains a series of legal arguments and factual assertions regarding the underlying litigation. We view this letter as an impermissible ex parte communication in violation of the law, applicable rules and ethical requirements. As such it should be neither admitted nor considered by the Court.

In addition to being an impermissible communication, the letter misstates the law and the facts. Without reciting the numerous particular inaccuracies, the single assertion that in a telephone call with the Court the NRC indicated it would file a Motion for Summary Judgment is untrue. The government's repeated failure to observe local and other rules in the remand proceeding speak for themselves. The NRC's repeated violation of the rules governing this litigation cannot be cured by misstating facts and the law, or by ex parte submissions.

The May 15 letter is a serious violation, and its admittance or consideration by the Court would prejudice Plaintiffs. Accordingly, we respectfully ask the Court to refuse to admit or consider the May 15 letter, and to so inform all parties. We reserve our rights to respond to the content of the letter, and to make such

further argument about its' admittance and consideration as the Court may wish to hear.

I wish to add that throughout this litigation I have found Mr. Torrance to be highly professional and cooperative. While this in no way mitigates the serious violations which have occurred, I do not want my concerns about the process and arguments used by the government in the remand proceeding to in any way impugn him personally.

Respectfully submitted,

Richard Brodsky