

THOMAS R. SUOZZI
County Executive



LORNA 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
516-571-3066
FAX: 516-571-3058

November 8, 2004

VIA ECF and REGULAR MAIL

Honorable Joanna Seybert
United States District Judge
United States District Court for the
Eastern District of New York
P.O. Box 9014
100 Federal Plaza
Central Islip, New York 11722-4438

Re: United States v. Nassau County, et al.
Civil Action No. 77 CV 1881

Dear Judge Seybert:

This office represents defendant Nassau County in the above referenced action.

Please allow this correspondence to serve as a request to amend your Order, dated August 13, 2004.

As per the aforementioned Order, on or before April 1, 2005, the defendant Nassau County is to administer a new examination to establish an eligible list of candidates for promotion to the rank of sergeant in the Nassau County Police Department. The Order also mandates that the County allow the applicants a minimum of ninety days to prepare for the examination. It is anticipated by the County that study guides for this examination will be available for distribution in early January.

In order to comply with your Order to provide a ninety day period for study, the test cannot be given until early April. The earliest date available for the Nassau County Civil Service Commission to administer the exam is April 9, 2005. Consequently, the defendant seeks to amend only that portion of the August 13, 2004 Order regarding the April 1, 2005 date concerning the administration of the new examination. The County is not seeking to amend any of the other provisions of the schedule set forth in the aforesaid Order.

The County has spoken with counsel from the Department of Justice and counsel for the Police Benevolent Association of Nassau County, Inc. and both counsel have consented to this amendment to the August 13, 2004 Order. We have yet to hear from counsel for the Superior Officer's Association of Nassau County, Inc. regarding his position on this issue.

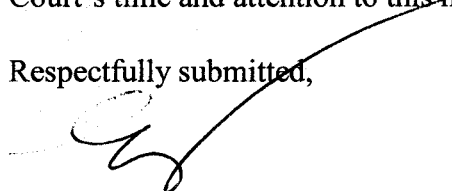
United States v. Nassau County, et al.

November 8, 2004

Page 2

For the above reasons, it is respectfully requested that the defendant's application to extend the time from April 1, 2005 to April 9, 2005 for the County to administer a new sergeant's examination be granted. The Court's time and attention to this matter is greatly appreciated.

Respectfully submitted,



Esther D. Miller (EM 2416)
Deputy County Attorney
Bureau Chief of the General
Litigation Bureau

cc: VIA FACSIMILE and REGULAR MAIL

John M. Gadzichowski, Esq.
Special Litigation Counsel
U.S. Department of Justice
Civil Rights Division-Employment Litigation Section
Attorney for Plaintiff United States
Patrick Henry Building
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20539
Facsimile Number-202-514-1105

Harry Greenberg, Esq.
Law Offices of Solomon Richman Greenberg P.C.
Attorney for the Police Benevolent Association of
Nassau County, Inc.
3000 Marcus Avenue
Lake Success, NY 11042
Facsimile Number- 516-437-6434

Michael Axelrod, Esq.
Certilman Balin
Attorney for the Superior Officer's Association
of Nassau County, Inc.
90 Merrick Avenue
East Meadow, NY 11554
Facsimile Number- 516-296-7111