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October 27, 2008

**By Fax**

Honorable Shira A. Scheindlin  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, N.Y. 10007

Re: Anderson v. State of New York, et al.  
07 Civ. 9599 (SAS)

Dear Judge Scheindlin:

This letter is written to provide information and perspective to the Court with reference to the letter of plaintiff's counsel dated October 24, 2008. In short, plaintiff's attempt to establish a link between this case and the internal investigation initiated by witness Corrado concerning her former supervisor A. Bratton is a deflection. That investigation, we are advised, concerns an alleged personal relationship between the two which has nothing to do with this case. Whatever "warning" Mr. Bratton gave Ms. Corrado concededly had no impact on her testimony at deposition in this case.

In addition, counsel's October 24, 2008 letter is presumptive or inaccurate in at least two respects. There is substantial disagreement over whether a warning occurred or had any actual and temporal connection to Ms. Corrado's deposition in this case. Moreover, Ms. Corrado was not advised one way or the other as to whether the allegation should be reported to the Court. Finally, as plaintiff's counsel acknowledges, Ms. Corrado denies that the "warning" had any impact on her testimony.

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Indeed, based on Ms. Corrado's deposition in this matter, taken on plaintiff's initiative, it is impossible to conclude that the deposition was influenced in a way adverse to plaintiff. In fact, Ms. Corrado went out of her way to be helpful to plaintiff, albeit through non-admissible conclusory statements and conjecture. The deposition shows that Ms. Corrado is friendly with and has frequent continuing contacts with plaintiff. Further, Ms. Corrado advised Appellate Division personnel that her testimony was not influenced. The transcript of the deposition is available should the Court wish to view it.

Mr. Bratton is not a party here and his deposition testimony, also taken at plaintiff's initiative, reflected no partisanship on his part. Again, the transcript is available should the Court wish to review it.

Lastly, considering the privacy rights of persons involved in the internal Office of Court Administration investigation, we request that any discussion at the up-coming Court conference on what has been raised by plaintiff's counsel be conducted in camera.

Respectfully submitted,



LEE ALAN ADLERSTEIN  
Assistant Attorney General

cc. Jonathan Beranbaum, Esq. (By fax)