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July 29, 2010

BY HAND

Hon. George A. Yanthis
United States District Court
Southern District of New York
300 Quarropas Street, Room 118
White Plains, NY 10601-4150

Re: Abate, et al. v. City of New York, et al.
Civil Action No. 07 civ. 0612 (CS) (GAY)

Dear Judge Yanthis:

Several months ago the parties to the above-referenced matter reached a settlement and the Court approved the distribution of a Notice to all those individuals who held the titles of EMS Lieutenant and EMS Captain during the applicable limitations period. As discussed during the parties' teleconference with Your Honor held on July 28, 2010, fewer than 75% of the individuals who held the titles of EMS Lieutenant and EMS Captain during the applicable limitations period submitted Collective Action Member Consent and Verification Forms ("Consent Forms") indicating their desire to participate in the settlement of this Action. As a result, the parties requested the Court's permission to submit Supplemental Notices to all putative Settlement Class Members who failed to provide executed Consent Forms agreeing to join this settlement. Your Honor indicated your approval of the parties' proposed course of action, subject to a formal application by letter from the parties and your review of the parties' proposed Supplemental Notice.

Therefore, the parties herein jointly request that the Court issue an order (1) approving the enclosed proposed Supplemental Notice; (2) allowing thirty (30) days after the date the proposed Supplemental Notice is mailed for any putative Settlement Class Members to submit additional Consent Forms indicating their desire to participate in the settlement of this Action; (3) deeming valid and timely all executed Consent Forms received by Defendants on or after July 8, 2010 through the date of the Court's order; and (4) rescheduling the settlement fairness hearing to a date and time in early October suitable to the Court.

For Your Honor's convenience, the parties enclose a Proposed Order granting the above application.

Thank you for Your Honor's courtesies.

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Very truly yours,

JACKSON LEWIS LLP

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