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October 4, 2006

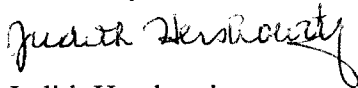
Hon. Sherry Klein Heitler  
Supreme Court  
60 Centre Street,  
Room 438  
New York, N.Y. 10007

Re: Charney v. North Jersey et al.,  
Index No. 24517/88

Dear Justice Heitler:

Mr. Windels purports to give to this Court his proposed order this day of October 4, 2006. This is not on the Court's calendar in the above entitled case, which I have confirmed with this Court's deputy Steve. Thereupon, I contacted Mr. Windels by phone to let him know that, this matter is not scheduled on the calendar. He insisted that he was going to proceed anyway. Most respectfully this would be inappropriate and since the matter is not scheduled he would be approaching the court ex parte. I have mailed my Objection and Rejection of that proposed order and a letter dated September 29, 2006 to this Court with copies to Mr. Windels, and for him to take this up on October 4, 2006 would also be ex parte.

Yours truly,



Judith Herskowitz

cc/ Paul Windels III  
Susan Charney