

May 3, 2010

**VIA HAND DELIVERY**

Hon. [REDACTED] M. McKenna  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

**Re: *In re Application to Quash Subpoena to Daily News, L.P. and [REDACTED] Rush,*  
No. 10-M8-85 (LMM)**

Dear Judge McKenna:

I write as counsel to non-party Daily News, L.P. and journalist [REDACTED] Rush. They have moved to quash subpoenas for deposition testimony and documents served in connection with a Florida action, *Doe v. Epstein*, No. 9:08-cv-80893-KAM (S.D. Fla. 2008). The motions to quash are returnable before Your Honor on May 4, 2010 at 11:00 a.m. In addition, Mr. Rush was served last week with a subpoena to appear at an evidentiary hearing on May 4.

We are seeking permission to file today an enlarged reply brief not to exceed 20 pages. The motions to quash raise important issues of reporter's privilege and respond to allegations of waiver of privilege in the context of a complex civil suit pending in Florida. Mr. Rush is also opposing the subpoena for him to appear at an evidentiary hearing tomorrow. Doe's opposition brief exceeded the Court's page limit (without apparently seeking the Court's permission or counsel's consent). Counsel for Doe has consented to this request for additional pages for the Movants' Reply.

Thank you for your consideration in this matter.

Sincerely yours,

  
Laura R. Handman

cc: Anne B. Carroll, Esq. (via e-mail)  
Paul G. Cassell, Esq. (via e-mail)

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