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October 6, 2005

**Electronically Filed
and By Fax (718) 260-2647**

Hon. Robert M. Levy
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Atlantic Recording Corporation, et al. v. Huggins, No. 05CV1534 (DGT) (RML)

Dear Judge Levy:

We represent plaintiffs in the above-referenced matter. I am writing to request permission for Matthew Miller, Esq. of Shook, Hardy & Bacon to appear by telephone at the initial conference scheduled for October 6, 2005. An application for *pro hac vice* admission of Mr. Miller has been granted by the Court. I am also writing to request that, in the event that Your Honor does require a party representative to attend the conference, that he or she be allowed to appear by telephone.

As Your Honor is aware, the law firm of Shook, Hardy & Bacon has been retained by plaintiffs as national coordinating counsel to oversee the administration of this and hundreds of related lawsuits that have been brought across the country. Cowan, Liebowitz & Latman, P.C. is acting as local counsel in the lawsuits brought in New York, as plaintiffs' national counsel is located in Kansas City, Missouri.

While I will be attending the conference in person as local counsel, we feel it would be in the interest of the Court and all parties involved if Mr. Miller was also permitted to appear. As national coordinating counsel, his level of authority to make decisions regarding settlement and other matters is greater than that of local counsel. Consequently, his appearance at this conference will allow for greater progress toward a resolution of this matter. However, because national counsel is located in Missouri, it would be difficult for Mr. Miller to make a personal appearance at tomorrow's conference. Mr. Miller is, however, available to participate fully in the conference by telephone should it satisfy the Court.

Cowan, Liebowitz & Latman, P.C.

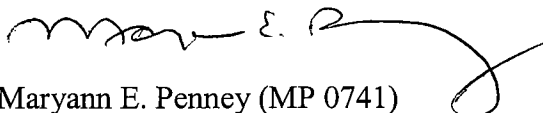
October 6, 2005

Page 2

Additionally, defense counsel has requested that a party representative of plaintiffs be required to attend this conference. As we explained in our letter to Judge Trager dated September 26, 2005, plaintiffs believe this is a premature request, since this will be only the initial court conference held in this matter. Additionally, the conference is tomorrow, and on such short notice, plaintiffs' representative may not be able to clear his or her schedule if forced to attend. Moreover, plaintiffs' counsel have complete authority to discuss settlement. Accordingly, in our letter of September 26, 2005, we requested that defendant's application for client participation in this conference be denied. In the event that Your Honor does require a party representative to attend the conference, we request that he or she be allowed to appear by telephone.

In light of the foregoing, plaintiffs respectfully request permission for Matthew Miller, Esq. to appear by telephone at tomorrow's conference and, if client participation is required, that it be permitted to be by telephone.

Respectfully submitted,



Maryann E. Penney (MP 0741)

cc: Hon. Robert M. Levy (by fax: 718-260-2647)
Morlan Ty Rogers, Esq. (by fax: 212-557-0565)