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June 30, 2003

VIA OVERNIGHT MAIL

Honorable William D. Wall
United States Magistrate Judge
US Federal Courthouse
100 Federal Plaza
Central Islip, NY 11722-4438

**Re: Robert Novak d/b/a Pets Warehouse.com v. Active Window
Productions, Mark Rosenstein, Cynthia S. Powers, Dan Resler, Jared
Weinberger, Thomas Barr, "John Doe" and "Mary Roe"
CV 01-3566(DRH)(WDW)**

Dear Judge Wall:

This is in reply to plaintiff's letter of same date. In compliance with the Confidentiality Order in this case, the materials covered by the Confidentiality Order went to three places:

1. to the court in a sealed envelope marked on the outside that the contents were for *in camera* inspection,
2. to Mr. Novak,
3. to a locked file cabinet in our offices.

No other persons, including my client, received the covered materials; some of which were included in the separately bound volume of Exhibits which accompanied the motion.

After receiving Mr. Novak's letter this morning, I personally checked the defense fund website. There I found copies of:

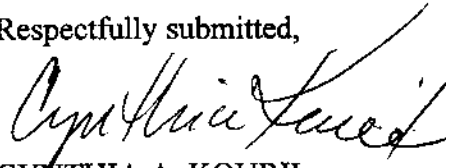
1. the Notice of Motion
2. the Affirmation of Cynthia A. Kouril
3. the Memo of Law

I could not find any evidence that the Exhibits or any other protected materials have ever been on the web site. I am at a loss to understand the basis for Mr. Novak's assertion that the material covered by the Protective Order has in any way been made public.

Further, I have no recollection nor does a review of my file in this case, including transcripts and notes of various appearances before this court, indicate a direction from this court prohibiting "any information relating to Discovery (*sic*) issues [being] made public". To my knowledge and understanding of the Federal Rules and this Court's orders, the material posted on the defense fund website is public information.

I did not wish such unfounded accusations to go unrebutted and make this reply for the sake of a clear and complete record.

Respectfully submitted,



CYNTHIA A. KOURIL

CAK/cil
Enclosure
cc: Robert Novak