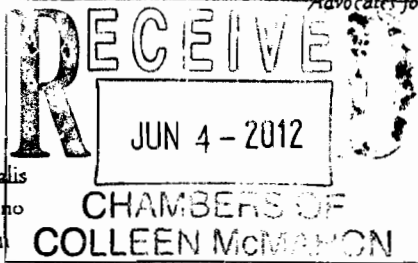


Wayne N. Outten  
Anne Golden  
Adam T. Klein  
Laurence S. Moy  
Kathleen Peratis  
Justin M. Swartz  
Jack A. Raisner  
Wendi S. Lazar  
Carmelyn P. Malalis  
Tammy Marzigliano  
René S. Roupinian

OUTTEN & GOLDEN

USDS SDN  
ELECTRONICALLY FILED  
DOC#:  
DATE FILED: 6/5/12

Allegra L. Fishel  
Lewis M. Steel  
Phul W. Mollica  
Nantiya Ruan



Advocates for Workplace Fairness  
May 31, 2012

Reena Arora  
Delyanne D. Barros  
Rachel M. Bien  
Katherine Blostein  
Molly Brooks  
Cyrus Dugger  
Cara E. Greene  
Jennifer Liu  
Ossai Miazad  
Carmel Mushin  
Melissa Pierre-Louis  
Sandra Pullman  
Michael Scimone  
Dana Sussman  
Amber Trzanski  
Juno Turner  
Elizabeth Wagoner

Via Facsimile: (212) 805-6326  
The Honorable Colleen McMahon  
United States District Court for the  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

*My ruling does not rest on the "infighting" or "truth telling" the rests on fact*

Re: Pippins v. KPMG LLP, No. 11 Civ. 0377 (CM)

Dear Judge McMahon,

MEMO ENDORSED

*Let I said no more extensions*

We represent the Plaintiffs in the above-referenced matter. We write briefly in response to the two times that Defendants accused us of not telling the truth in their letters of today. We apologize for the extra paper but want to set the record straight.

First, On June 1, we wrote to request a one-week extension on our time to move for summary judgment. We asked Defendant for the professional courtesy of consenting to our request because we are almost overwhelmed with recently-produced documents and were taking depositions through the end of last week in this case. The lawyers staffed on this case also have three other briefs due this week and were simply seeking some personal relief. We were careful to note that "we do not intend to accuse KPMG of . . . bad faith - they have worked hard to produce more than 219,227 pages of documents during the expedited discovery period - just the fact of these productions puts Plaintiffs in a very difficult position."

*a month ago and - I meant it.*

Defendant not only refused our simple request for a professional courtesy but re-argued their prior discovery positions and accused us of misrepresenting that we received 74,940 pages of discovery over the two weeks prior to our June 1 letter. We did receive these pages (which, Defendant correctly points out that we had been long expecting), as evidenced by the attached enclosure letters. See Exhibit A.

*This motion is supposed to test whether there is a simple way to deal with what all other courts will otherwise be a complex lawsuit. I want it done simply.*

Second, more than a week ago, we asked KPMG to consent to our request for 10-page extension to the 25 page limit for our summary judgment brief. On the phone this morning, Colleen Kenney clearly told me that that her client "does not consent" but that it probably would not write in response.

3 Park Avenue, 29th Floor, New York, NY 10016 Tel 212-245-1000 Fax 212-977-4005  
6 Landmark Square, Suite 400, Stamford, CT 06901 Tel 203-363-7888 Fax 203-363-0333  
203 North LaSalle Street, Suite 2100, Chicago, IL 60601 Tel 312-924-4888 Fax 646-509-2075  
og@outtengolden.com www.outtengolden.com

*Colleen Kenney*

Hon. Colleen McMahon  
June 4, 2012  
Page 2 of

Again, we apologize for writing again and respectfully request that the Court grant our requests, especially our request for a short one-week extension, which is badly needed.

Respectfully submitted,



Justin M. Swartz

enclosures

cc: Colleen Kenney, Esq. (via email)  
Michael Kelley, Esq. (via email)  
Greg Shavitz, Esq. (via email)