

RECEIVED
2/15/05

04-CV-204

Kaplan Fox & Kilsheimer LLP
805 Third Avenue
New York, NY 10022
phone 212.687.1980
fax 212.687.7714
email mail@kaplanfox.com
www.kaplanfox.com

February 15, 2005

VIA E-MAIL & FACSIMILE

Peter G. McCabe, Secretary
Committee on Rules of Practice and Procedure
Administrative Office of the United States Courts
Washington, D.C. 20544

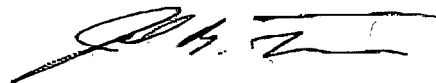
Re: Proposed Federal Civil Rule Amendments: Electronic Discovery

Dear Mr. McCabe:

Albeit last minute, I write to express my concern regarding proposed federal civil rule amendments dealing with electronic discovery.

I am a member of Kaplan Fox & Kilsheimer LLP, a law firm which, for more than thirty-five years, has been in the forefront of representing victims of securities fraud, trade conspiracies which violate federal antitrust laws and other consumer frauds. Having been involved with complex litigation of such nature for nearly fourteen years, I have seen first-hand, particularly in recent years, the impact technology can have on the discovery process. It is with this experience in mind that I note my opposition, along with that of many of my colleagues, to any proposed rule which would erect unfair hurdles or obstacles to the fact-finding process. In this regard, I note my agreement with the concerns expressed by my colleague, Ariana J. Tadler of the Milberg Weiss firm, as enumerated in her written submission to you dated February 4, 2005.

Respectfully submitted,



Joel B. Strauss

JBS:lcs