Exhibit E

Breslow, Stephanie

From:	Darius Charney [DCharney@ccrjustice.org]
Sent:	Monday, February 13, 2012 4:27 PM
To:	Breslow, Stephanie
Cc:	Grossman, Heidi; Donahue, Linda; 'Hellerman, Eric'
Subject:	RE: Immediate need for Fagan's revised coding instructions for analysis in 2/2/12 Declaration
Follow Up Flag:	Follow up
Flag Status:	Red

Ms Breslow-

I was out of the office and out-of-town Friday through Sunday and did not see your prior email until this morning. Plaintiffs will do our best to respond your request by noon tomorrow. Just so I am clear, Defendants seek production of the amended computer coding instructions described in paragraph 17 of Professor Fagan's declaration which code stops based on two or more conditionally-justified stop factors as "Justified" rather than "Indeterminate" stops?

Darius Charney I Center for Constitutional Rights I 666 Broadway, 7th Fl. I New York, NY 10012 I 212.614.6475 I www.ccrjustice.org

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From: Breslow, Stephanie [mailto:sbreslow@law.nyc.gov]
Sent: Monday, February 13, 2012 4:12 PM
To: Darius Charney
Cc: Grossman, Heidi; Donahue, Linda
Subject: FW: Immediate need for Fagan's revised coding instructions for analysis in 2/2/12 Declaration
Importance: High

Counsel:

Will we be receiving a response to the below today? Please advise.

Regards,

Stephanie M. Breslow
Assistant Corporation Counsel
New York City Law Department
Special Federal Litigation Division
100 Church Street, Room 3-187
New York, New York 10007
(tel.) 212-788-1575
(fax) 212-788-9776

From: Breslow, Stephanie
Sent: Friday, February 10, 2012 5:10 PM

2/16/2012

To: Darius Charney
Cc: Grossman, Heidi; Donahue, Linda
Subject: Immediate need for Fagan's revised coding instructions for analysis in 2/2/12 Declaration
Importance: High

Counsel:

Further to Defendants' Request for Production of Documents (Experts) at 1(b) and plaintiffs' ongoing discovery obligations, as well as the Stipulation of confidentiality executed on 1/26/11, Defendants request immediate production of the complete set of "corrected" coding instructions employed by Prof. Fagan in re-rerunning his "Classification of Stops Recorded on UF250 Forms," described in his 2/02/12 Declaration at paragraphs 14-18. The revised coding instructions are referenced by Prof. Fagan in paragraph 17, in which he describes a new category of "justified" stops.

In addition to the immediate production of this particular set of coding instructions, we further note that Defendants' Request for Production of Documents (Experts) of December 22, 2010, called for production of: "All documents on which Jeffrey Fagan relied in preparing his two reports submitted in this case, including but not limited to . . . (b) all coding instructions used in statistical analyses" (at 1(b)). Pursuant to that request, your ongoing discovery obligations, and the confidentiality stipulation, defendants have received from you the following sets of instructions on the dates indicated below (copies of the cover letters used to transmit these coding sets are attached hereto for your convenience):

1/26/11:

- PL-EX 00852- AZip file containing (i) coding instructions which Professor Fagan used to recode data in the CRMSUSP field of the UF250 database in order to generate the crime-specific counts of stops which he used in the statistical analyses reflected in his two expert reports, and (ii) various New York City Housing Authority data used by Professor Fagan in performing the statistical analyses reflected in his expert reports.

- PL-EX 00853- coding instructions for recoding crime complaints into the aggregate crime categories used by Professor Fagan in his expert reports.

4/13/11

- A copy of the code used by Professor Fagan to identify the NYPD commands that were involved in patrol functions (PL-EX 00918-927).

9/23/11

- CD bates-stamped PL-EX00931, which contains the computer coding instructions used to by Professor Jeffrey Fagan to conduct the analysis reflected on pp. 49-50 of his October 15, 2010 Expert Report.

Please confirm that there are no other sets of coding instructions utilized by Prof. Fagan in conducting his analyses reflected in his Reports and affidavits in this case which are responsive to Defendants' Request (1(b)) above, and which have not been provided to defendants (apart from any such coding instructions already included in Prof. Fagan's Reports) .   Kindly advise of your answer no later than 12:00 p.m. on Monday, Feb. 13.

Thank you for your prompt attention.

Regards,

Stephanie M. Breslow
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New York City Law Department
Special Federal Litigation Division
100 Church Street, Room 3-187
New York, New York 10007
(tel.) 212-788-1575
(fax) 212-788-9776

2/16/2012