



**Zwering, Schachter & Zwering, LLP**  
Counselors at Law

**Jeffrey C. Zwering**  
jzwering@zsz.com

July 11, 2006

**FILED BY ECF**

Hon. Dora L. Irizarry  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

41 Madison Avenue  
New York, NY 10010  
tel. 212•223•3900  
fax 212•371•5989

Re: Kim v. Bausch & Lomb, Inc., No. 06 CV 2221

Dear Judge Irizarry:

New York  
Long Island  
Seattle  
Boca Raton

We represent Plaintiffs M.H. Kim and Jae R. Lee ("Plaintiffs") in the above-captioned action. This is to advise the Court, in advance of the scheduled conference for July 12, 2006 at 4:00 p.m., that Plaintiffs intend to dismiss this action without prejudice and pursue their claims in the Western District of New York where other cases against the Defendants are pending.

Respectfully submitted,

/s/ Jeffrey C. Zwering  
Jeffrey C. Zwering  
Zwering, Schachter & Zwering, LLP

JCZ/hs

cc: Defendants' counsel (*by facsimile*)  
Bernstein Litowitz Berger & Grossmann LLP (*by facsimile*)  
Lerach Coughlin Stoa Geller Rudman Robbins (*by facsimile*)