

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK  
WHITE PLAINS DIVISION

ALAN KACHALSKY, et al.,	:	Case No. 10-CV-05413-CS
	:	
Plaintiffs,	:	RESPONSE TO MOTION TO
	:	FILE AMICUS BRIEF
v.	:	
	:	
	:	
SUSAN CACACE, et al.,	:	
	:	
Defendants.	:	
	:	
	:	
	:	
-----		X

PLAINTIFFS’ RESPONSE TO MOTION TO FILE AMICUS BRIEF

Amici movant Brady Center does not correctly present Plaintiffs’ position with respect to this motion.

Plaintiffs expressed to counsel for Brady Center that they would consent to the filing of the brief if reciprocal consent is extended by Defendants for any amici who may wish to support Plaintiffs’ position.

Defendant County indicated it would have no position on any amicus brief. The individual Defendants indicated they would extend reciprocal consent. This was sufficiently satisfactory to Plaintiffs, who indicated as much to the Brady Center.

Indeed, on November 15, 2010, counsel for Plaintiffs happened to meet Brady Center attorneys Dennis Henigan and Jonathan Lowy in person. Plaintiffs’ counsel specifically advised Lowy and Henigan that they should immediately serve their amicus brief, and could then file it on the designated filing date which, at that time, had not yet been finally determined.

As the brief is served as an exhibit to Brady's motion, Plaintiffs have no objection to its filing.

Dated: November 22, 2010

Respectfully submitted,

Alan Gura\*  
Gura & Possessky, PLLC  
101 N. Columbus Street, Suite 405  
Alexandria, VA 22314  
703.835.9085/Fax 703.997.7665  
Lead Counsel  
\*Admitted pro hac vice

Vincent Gelardi  
Gelardi & Randazzo  
800 Westchester Avenue, Suite S-608  
Rye Brook, NY 10573  
914.251.0603/Fax 914.253.0909  
Local Counsel

By: /s/ Alan Gura  
Alan Gura  
Attorneys for Plaintiffs