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February 23, 2011

By Facsimile Transmission - (914) 390-4278

Hon. Cathy Seibel
United States District Court Judge
United States Courthouse
300 Quarropas Street
White Plains, NY 10601-4150

Re: Alan Kachalsky, et al. v. , Susan Cacace, et al.
10 CV 5413 (CS)

Dear Judge Seibel:

This office represents Susan Cacace, Jeffrey A. Cohen, Albert Lorenzo and Robert K. Holdman, all of whom are New York State court judges (collectively "State Defendants"), in this litigation challenging the constitutionality of New York's handgun licensing statute. This letter is submitted in accordance with your individual practices 1 (A) and (C) to address the recent *amicus* applications of two gun ownership advocacy groups.

At approximately 9:30 am today, our office received a request from the Academics for the Second Amendment and Long Island Second Amendment Preservation Foundation Association seeking the State Defendants' consent to file an *amicus* brief in this case. Later in the afternoon, the Westchester County Firearms Owners Association filed a motion to file an *amicus* brief (Docket No. 50) without prior notification of any kind. These applications were made on the day the extensive briefs and supporting materials, of the motions to dismiss and motions for summary judgment, were electronically filed pursuant to this Court's order, and two (2) weeks after plaintiffs' final brief was served.

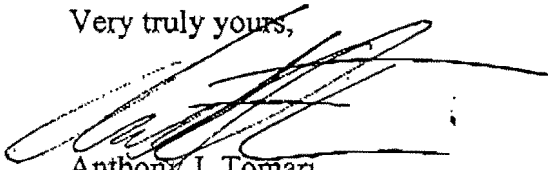
The proposed *amici* have not explained the reason for the extreme lateness of their filings, or the lack of notice. The timing of the applications has denied the State Defendants any opportunity to

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respond to the factual representations or legal arguments asserted therein. Regardless, in lieu of opposing such applications, in accordance with the time frame established in Rule 6.1 of the Local Civil Rules of the United States District Courts for the Southern and Eastern Districts of New York, State Defendants request fourteen (14) days from the date this Court grants leave for such filings, to respond to new matters asserted in those briefs.

Thank you for your attention to this matter. All parties and proposed *amici* will receive a copy of this letter simultaneously by e-mail.

Very truly yours,



Anthony J. Tomari
Assistant Attorney General

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FACSIMILE TRANSMISSION

DATE: February 23, 2011 NUMBER OF PAGES: 4 (INCLUDING THIS PAGE)

TO: Hon. Judge Seibel

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ATTN:

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OAG 007 (12/98)