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November 3, 2009

Hon. William H. Pauley
Chambers
500 Pearl Street
New York, NY 10007-1312

Re: *Consumer Electronics Association, et al., v. City of New York, et al.*
2009-cv-06583 -WHP

Dear Judge Pauley:

My firm represents several parties who request leave to file a brief *amici curiae* in support of the defendants in the above-referenced matter. The prospective *amici* are the New York State Association for Solid Waste Management, the City and County of San Francisco, California, the Metro, Oregon regional government for the Portland, Oregon area, the Product Stewardship Institute based in Boston, Massachusetts, and the New York State Product Stewardship Council. Information on the interests of the individual *amici* is contained in the brief, but all support the principles of Product Stewardship as a means of managing solid waste. The proposed *amicus* brief is enclosed for your review, and we respectfully request the permission of the court to file and serve it on the parties.

I have been in contact with Mr. Michael Murphy, counsel for plaintiffs, and Ms. Hilary Meltzer and Ms. Sarah Kogel-Smucker, Esq., assistant corporation counsel for the City of New York defendants, to advise them of our request and seek their consent to our filing. I have also advised Mr. Steven Russo, counsel for intervenor National Resources Defense Council (NRDC) of our request. The City of New York and NRDC have consented, but as of the date of this letter, plaintiffs have not consented to the filing of our brief. It is my understanding from Mr. Murphy that good faith discussions are underway among the parties on the subject of consent to *amicus* briefs, but no agreement has been reached as of this writing. We are mindful of the current schedule, which calls for reply papers from plaintiffs on November 20th and oral argument on December 18, 2009. We, therefore, submit the enclosed brief with a request to file, without the consent of plaintiffs.

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I will be available at any time for a conference, by telephone or in person should the court require it, and I will follow the direction of the court if a more formal motion should be made under these circumstances. Should the court grant our request, we will file it electronically and provide service to all parties. Thank you for your courtesy and attention.

Very truly yours,



Michael J. Cahill (MC 9451)

MJC/df

Enclosure

cc: Michael Murphy, Esq. **(w/encl.)**
Sarah Kogel-Smucker, Esq. **(w/encl.)**
Steven Russo, Esq. **(w/encl.)**
Michael Wolak, NYSASWM **(w/encl.)**
Kevin Voorhees, NYPSC **(w/encl.)**
Paula Jesson, Esq., City and County of San Francisco **(w/encl.)**
Scott Klagg, Metro, Oregon **(w/encl.)**
Scott Cassel, Product Stewardship Institute **(w/encl.)**