



June 12, 2012

Hon. Lynn Adelman
U.S. District Court for the
Eastern District of Wisconsin
362 United States Courthouse
Room 364
517 East Wisconsin Avenue
Milwaukee, WI 53202

**RE: Frank v. Walker, No. 2:11-cv-01128 (LA)
Plaintiffs' Request for Reconsideration of Court's Order Permitting
Filing of Amicus Brief and Oral Argument**

Dear Judge Adelman:

Plaintiffs' counsel have reviewed the Memorandum of Group of Democrat, Republican, and Independent Voters as *Amici Curiae* In Opposition to Plaintiffs' Motion for a Preliminary Injunction, which was filed late Friday June 8, 2012, prior to the Court having an opportunity to rule on Plaintiffs' motion for reconsideration. Because the *amici* brief sets forth only legal arguments and no factual information to support their supposed interests in the case, Plaintiffs do not intend to pursue fact discovery in connection with the Motion for a Preliminary Injunction. Plaintiffs continue to oppose *amici*'s request to participate in oral argument, and do not withdraw that portion of their Request for Reconsideration of Court's Order Permitting Filing of Amicus Brief and Oral Argument.

Since the *amici* brief is styled as an opposition to Plaintiffs' Motion for a Preliminary Injunction and presents additional legal arguments not raised in the government's brief, Plaintiffs believe that it would be most efficient for Plaintiffs to respond to *amici*'s arguments, to the extent appropriate, in their reply brief to the government's Opposition to Plaintiffs' Motion for a Preliminary Injunction. Therefore, instead of filing a separate brief as Plaintiffs' Request for Reconsideration previously requested, Plaintiffs propose filing a single reply brief that responds to both oppositions. Under a joint stipulation and this Court's Order, Plaintiffs are currently allotted 40 pages between the replies for the Motions for Class Certification and Preliminary Injunction. In order to file one unified brief in the interest of efficiency, Plaintiffs request that this Court grant Plaintiffs an additional 15 pages for their replies (roughly half the length

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of the *amici* brief) and an additional week to file them, *i.e.* by no later than Friday June 29, 2012.

Thank you for considering this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jon Sherman', with a long horizontal flourish extending to the right.

Jon Sherman
ACLU Foundation, Inc.
Attorney for Plaintiffs

cc: Counsel for Defendants (by ECF)

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