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December 19, 2017

BY ECF

Honorable Alison J. Nathan
United States District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Common Cause/New York v. Brehm et al.*, 1:17-cv-06770-AJN

Dear Judge Nathan:

We represent Plaintiff Common Cause/New York in the above-captioned matter. Pursuant to this Court's Individual Rule 1, we write in response to Your Honor's Order entered yesterday, December 18, 2017, concerning Plaintiff's failure to file an opposition to Defendants' Motion to Dismiss. *See* Doc. 42. The December 18 Order states, in relevant part:

On November 17, 2017, Defendants filed a motion to dismiss. Opposition to Defendants' motion was due on December 1, 2017, but as of December 18, 2017, Plaintiff has failed to file an opposition to Defendants' motion or request a deadline extension. Therefore, no later January 8, 2018, Plaintiff shall submit a letter to the Court indicating that it wishes to file an opposition to the motion or does not wish to file an opposition to the motion to dismiss ... Failure to submit any letter to the Court by January 8, 2018 shall result in DISMISSAL of the action for failure to prosecute.

We write to advise the Court that Plaintiff intends to file an Opposition to the Motion to Dismiss. The Parties previously agreed to, and on October 18, 2017, the Court So Ordered, a briefing schedule on Defendants' Motion to Dismiss. *See* Doc. 32. In accordance with that briefing schedule, Plaintiff's Opposition is due on Friday, December 22, 2017, and Defendants' Reply is due on Friday, January 12, 2018.

Accordingly, we respectfully request that the Court order that an opposition brief filed on or before December 22, in accordance with the agreed upon schedule, will be a timely filed opposition. We are available at the Court's convenience to address any questions.

Respectfully submitted,

/s/ Neil A. Steiner

Neil A. Steiner

cc: All Counsel of Record by ECF