

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHELLY PARKER, <i>et al.</i>)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No.03-0213 (EGS)
)	
DISTRICT OF COLUMBIA, <i>et al.</i> ,)	
)	
Defendants.)	

**SECOND NOTICE OF INTENT TO RELY ON ADDITIONAL AUTHORITY AND
NOTICE CONCERNING THE PLAINTIFFS’ OPPOSITION TO THE DISTRICT OF
COLUMBIA’S FIRST NOTICE OF INTENT TO RELY ON ADDITIONAL
AUTHORITY AND ARGUMENTS**

The District of Columbia hereby notifies the Court and plaintiffs of its intent to rely at the upcoming hearing on *Brown v. Pro Football, Inc.*, 839 F. Supp. 905 (D.D.C. 1993), in addition to all material previously cited.

Further, as the Court is aware, on November 19, 2010, plaintiffs filed what they style as an “opposition” to the District’s initial notice of intent to rely on additional authority and arguments. *See* Doc. No. 72. Each argument made in plaintiffs’ opposition is demonstrably incorrect or directed at a straw-man argument that the District has not made. If the Court believes it would benefit the Court for the District to respond in a written filing prior to the hearing, the District is prepared to do so expeditiously upon order of the Court. However, absent an order of the Court, because the District’s original notice only was intended to apprise the Court and parties of additional arguments and authority on which the District intended to rely at the upcoming hearing, the District believes it is more appropriate to reserve its response to plaintiffs’ opposition for the upcoming hearing, rather than file a reply brief.

DATE: November 23, 2010

Respectfully submitted,

PETER J. NICKLES
Attorney General for the District of Columbia

GEORGE C. VALENTINE
Deputy Attorney General, Civil Litigation Division

/s/ Ellen A. Efros

ELLEN A. EFROS, D.C. Bar No. 250746
Assistant Deputy Attorney General and
Chief, Equity I Section
Civil Litigation Division
441 Fourth Street, N.W., 6th Floor South
Washington, D.C. 20001
Telephone: (202) 442-9886

/s/ Samuel C. Kaplan

SAMUEL C. KAPLAN, D.C. Bar No. 463350
Assistant Deputy Attorney General
Civil Litigation Division
441 Fourth Street, N.W., 6th Floor South
Washington, D.C. 20001
Telephone: (202) 724-7272
samuel.kaplan@dc.gov

/s/ Andrew J. Saindon

ANDREW J. SAINDON, D.C. Bar No. 456987
Assistant Attorney General
Equity I Section
441 Fourth Street, N.W., 6th Floor South
Washington, D.C. 20001
Telephone: (202) 724-6643
Facsimile: (202) 730-1470
andy.saindon@dc.gov