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February 22, 2011

VIA CM/ECF AND HAND DELIVERY

The Honorable Leonard P. Stark
United States District Court
for the District of Delaware
844 North King Street
Wilmington, DE 19801

Re: *Doe v. Wilmington Housing Authority, et al.*
No. 1:10-cv-00473-LPS

Dear Judge Stark:

I write to request a scheduling conference by phone at Your Honor's early convenience to discuss amending the briefing deadlines and hearing date set forth in the Stipulation and Order (D.I. 85) in light of last evening's filing by non-party Brady Center to Prevent Gun Violence ("Brady Center")—i.e., Application of Brady Center to Prevent Gun Violence to File Brief as *Amicus Curiae* in Support of Defendants (D.I. 91), and Brief of *Amicus Curiae* Brady Center to Prevent Gun Violence in Support of Defendants,¹ attached as Exhibit A thereto. Defendants did not inform Plaintiffs that Brady Center intended to file an *amicus* brief in support of Defendants' position in this matter until February 11, 2011—two days after the parties had filed their proposed briefing schedule on February 9. Plaintiffs accordingly were not contemplating having

¹ Plaintiffs note that Brady Center's brief exceeds by three pages the 20-page limit for opening briefs pursuant to Local Rule 7.3.1(a)(4).



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to respond to a third-party brief (i.e., two briefs at once), at the time they agreed to the existing stipulated scheduling order.²

A modest extension of the time period for Plaintiffs to respond to both Defendants' and the Brady Center's briefs, and (if the Court prefers that Plaintiffs respond to both opposing briefs in one document) of the page limit of Plaintiffs' Answering Brief, would be appropriate. Further, a modest extension also would afford Plaintiffs the time to oppose Brady Center's application for leave to file a brief, if Plaintiffs decide to oppose it within the next few days. Of course, Plaintiffs would agree to a reciprocal time extension for Defendants' and Brady Center's Answering Briefs. The deadlines for filing Reply Briefs and the date for oral argument would have to be reset as a result.

In particular, Plaintiffs would appreciate Your Honor's guidance as to whether Your Honor would prefer that Plaintiffs: (1) file two separate Answering Briefs in response to each of Defendants' and Brady Center's briefs, each brief not to exceed 20 pages in accordance with Local Rule 7.1.3(a)(4); or (2) file one Answering Brief in response to both of Defendants' and Brady Center's briefs, such brief not to exceed 40 pages.

Plaintiffs are available at Your Honor's earliest convenience to discuss modifying the existing briefing schedule and hearing date.

Respectfully,

Francis G.X. Pileggi
(Del. Bar No. 2624)

FGXP/mar

cc: Barry Willoughby, Esquire (via e-mail and hand delivery)
Richard Horwitz, Esquire (via e-mail and hand delivery)

² Given Plaintiffs' desire throughout this litigation for a speedy resolution, it is regrettable that Plaintiffs are now in the reluctant role of having to seek a modest extension of time as a result of recent unexpected events that are not of Plaintiffs' own making.