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July 6, 2011

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT
EASTERN DISTRICT OF N.Y.
★ ★ JUL 12 2011 ★ ★

BROOKLYN OFFICE

Filed Via ECF

Hon. Nina Gershon
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: ACORN v. United States, 09-CV-4888

Dear Judge Gershon:

Following up on the parties' letter to Your Honor of April 28, 2011 (Dkt # 65), we write to update the Court on the current status of the above-captioned case and to advise the Court of how the parties wish to proceed.

As the Court may be aware, on June 20, 2011, the United States Supreme Court denied Plaintiffs' petition for a writ of certiorari to review the Second Circuit's August 13, 2010 decision reversing this Court's granting of a declaratory judgment and permanent injunction in Plaintiffs' favor on their bill of attainder claim. Plaintiffs' counsel will therefore need to confer with our clients to determine if they wish to proceed with their remaining First Amendment and Due Process claims in this Court. In addition, because two of the three Plaintiffs (ACORN and Acorn Institute) are currently in bankruptcy proceedings, Plaintiffs' counsel will need to request and obtain the permission of the bankruptcy trustee to continue to prosecute this case on their behalf. Thus, Plaintiffs' counsel anticipate that we will need about 2-3 weeks to resolve these questions, at which point we will advise the Court in writing of Plaintiffs' intentions.

Counsel for the parties have conferred, and plaintiffs respectfully request that the Court continue to stay any further proceedings in this case until August 1, 2011. Federal Defendants do not oppose this request. On or before August 1, the parties will advise the Court in writing as to whether the case will proceed in this Court and, and if so, will endeavor to submit a joint proposed schedule for resolving the remaining claims.

Respectfully submitted,

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Darius Charney
Center for Constitutional Rights
Attorneys for Plaintiffs

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Peter Leary
United States Department of Justice
Attorneys for Defendants

Ordered
s/NG
7-8-11