

# LAW OFFICES OF MATTHEW F. PAWA

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MATTHEW F. PAWA

MARK R. RIELLY  
BENJAMIN A. KRASS

May 14, 2009

Chief Judge Dennis Jacobs  
United States Court of Appeals for the Second Circuit  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, NY 10007

Re: *Open Space Institute, Inc., et al. v. American Electric Power Co.*, No. 05-5119-cv

Dear Chief Judge Jacobs:

I write on behalf of plaintiff-appellants in the above-referenced case. The Notice of Appeal in this case was filed in September, 2005. The briefing was completed in March, 2006. Oral argument was held on June 7, 2006. An additional round of letter briefs were filed in July, 2007 in accordance with the Court's order for supplemental briefing in light of an intervening Supreme Court decision. In September, 2008, plaintiffs-appellants in the related case of *Connecticut v. et al. v. American Electric Power Co.*, No. 05-5104-cv, wrote to the Clerk to remind the Court of this long-pending appeal. And in January, 2009, I wrote a letter to the Clerk to inquire as to the status of the appeal. Copies of these letters are enclosed.

We are concerned that almost three years have passed since oral argument without a decision in this case, which addresses a matter of great importance to the environment and to public welfare. At this time we write to request your assistance in determining the status of this case and to ask whether there is anything else the Court requires of the parties in order to be in a position to render a decision.

Thank you for your assistance and we look forward to your response.

Sincerely,



Matthew F. Pawa, Esq.  
Counsel for Plaintiffs-Appellants

cc: Counsel of Record  
Enclosures

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MARK R. RIELLY  
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January 7, 2009

Catherine O'Hagan Wolfe  
Clerk of Court  
United States Court of Appeals for the Second Circuit  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, NY 10007

Re: *Open Space Institute, Inc., et al. v. American Electric Power Co.*, No. 05-5119-cv

Dear Ms. Wolfe:

I write on behalf of plaintiff-appellants to inquire as to the status of the above-referenced case. The oral argument in this case was held on June 7, 2006.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew F. Pawa', with a large, stylized flourish at the end.

Matthew F. Pawa, Esq.  
Counsel for Plaintiffs-Appellants

cc: Counsel of Record



September 20, 2006

Catherine O'Hagan Wolfe  
Clerk of the Court  
United States Court of Appeals for the Second Circuit  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: State of Connecticut, et al. v. American Electric Power Company, Inc., et al.  
(05-5104-cv)

Dear Ms. Wolfe:

Given that it has been over two years since oral argument took place on June 7, 2006, plaintiffs thought it appropriate to contact the Court regarding the above-referenced case. *Cf.* Circuit Advisory Committee Note to 9th Circuit Rule 25-2 (encouraging parties to notify the court if a decision on the merits has not been issued within nine months after submission). In addition, because climate change is such a pressing problem, plaintiffs need to know what legal tools can be used to address it. Plaintiffs therefore respectfully request that the Court issue its decision in this case as soon as possible.

Thank you very much for your consideration.

Sincerely,

Morgan A. Costello  
Assistant Attorney General  
Environmental Protection Bureau

cc: Shawn Patrick Regan (by email)  
Matt Pawa (by email)