

U.S. DISTRICT COURT  
N.D. OF N.Y.  
FILED

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ALBANY

**ALFRED G. OSTERWEIL**  
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July 2, 2010

Honorable Gary L. Sharpe,  
United States District Court,  
Northern District of New York  
James T. Foley U. S. Courthouse  
445 Broadway, Albany, New York 12207

Re: Osterweil v. Bartlett, et al

09-CV0825 GLS/DRH

Dear Judge Sharpe,

With reference to the above captioned matter, the record reflects that Your Honor, on February 24, 2010, issued a Decision and Order which stated: " Thus, because Osterweil's first three causes of action seek to mount a Second Amendment attack against only state legislation, they fail to state a claim upon which relief can be granted." The Court went on to cite *Bach* 408 F. 3d at 86.

Since then, on June 28, 2010, the Supreme Court issued its opinion in *McDonald v. Chicago*.

We suggest that had this case been decided earlier the Court may well have ruled differently. We assume that the Court has already read the slip opinion so we need not analyze it here

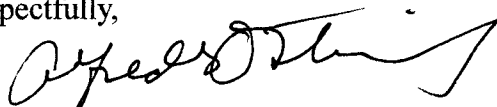
I spoke to my adversary, and he has no objection to my contacting the Court by this letter in lieu of other available approaches.

Accordingly, we respectfully request that the Court reconsider its prior ruling and re-institute the counts previously dismissed.

Of course, if Your Honor believes I should approach this issue differently, I will certainly comply in all respects.

I am providing a copy of this letter to my adversary and I certify that I have mailed a copy to him via US Mail with appropriate postage affixed.

Respectfully,



Alfred G. Osterweil

cc: Clerk of Court

Roger W. Kinsey, esq.