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Writer Direct: (518) 473-6288
September 7, 2010

Hon. Gary L. Sharpe
United States District Judge
United States District Court
Northern District of New York
James T. Foley U.S. Courthouse
445 Broadway, Room 441
Albany, NY 12207

Re: *Osterweil, v. Bartlett III, et al.*
09-CV-0825 (GLS)(DRH)
Dol.# 09-099033-O

Dear Judge Sharpe:

Defendant herein writes in response to Plaintiff's Motion to Reinstate Claims. After a review of the Decision of the Court dated February 24, 2010, Defendant cannot in good conscience oppose reinstatement of the Second Amendment Claims. The Decision of this Court dismissed the claims on the basis that the Second Amendment did not apply to the State. While Defendant disagrees with the Plaintiff's reading of the decision in *McDonald v. City of Chicago*, ___S.Ct.___ 2010 WL 2555188 (U.S. 2010), and disagrees with scope of Plaintiff's claims, it is clear that in the wake of *McDonald*, the Second Amendment has been extended to the states.

Thank you for your consideration in this matter.

Respectfully,
/s/ Roger W. Kinsey
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cc: Alfred G. Osterweil
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