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August 29, 2011

Via ECF

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

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Re: *The Football Association et al. v. Youtube, Inc.*, No. 10-3342 cv

Dear Ms. Wolfe:

We represent the Football Association and most of the appellants in this appeal, and previously filed a brief on behalf of all appellants.

On August 18, 2011, the National Music Publishers Association, on behalf of itself and four other appellants ("the withdrawing appellants"), filed a stipulation seeking dismissal of their appeal, purportedly pursuant to Rule 42, F.R.A.P. On August 22, the Clerk returned that document as defectively filed, on the ground that "All Appellants and Appellees participating in the appeal must sign the stipulation."

The parties who filed that defective stipulation refiled it again on August 24 (Docket # 376), unchanged.

Consistent with longstanding practice under Rule 41(a) of the Federal Rules of Civil Procedure, F.R.A.P. 42 plainly conditions dismissal on either the consent of all parties, or a motion to the Court. When the withdrawing appellants seek that consent, the remaining appellants will consider that request promptly.

Very truly yours,

Charles S. Sims

cc: Counsel for Defendants-Appellees
David S. Stellings, Lieff, Cabreser, Heinmann & Stalling