



Kim M. Watterson

Direct Phone: +1 412 288 7996

Email: kwatterson@reedsmith.com

Reed Smith LLP
 Reed Smith Centre
 225 Fifth Avenue
 Pittsburgh, PA 15222-2716
 +1 412 288 3131
 Fax +1 412 288 3063
 reedsmith.com

September 29, 2011

Mr. Michael E. Gans, Clerk of Court
 United States Court of Appeals
 for the Eighth Circuit
 Thomas F. Eagleton U.S. Courthouse
 111 South 10th Street, Room 24.329
 St. Louis, Missouri 63102

Re: Marcy A. Johnson v. West Publishing Corporation
Case No. 11-8020

Dear Mr. Gans:

Pursuant to Federal Rule of Appellate Procedure 28(j), Petitioner West Publishing Corporation submits the Seventh Circuit's opinion in *Graczyk v. West Publishing Company*, No. 10-1193 (Sept. 28, 2011), which affirmed the district court's dismissal of a complaint filed against West—a complaint that is identical to the complaint at issue in West's petition here—asserting claims under the Drivers' Privacy Protection Act, 18 U.S.C. § 2721, *et seq.*

In this Court, West has filed a petition pursuant to Section 1292(b) seeking interlocutory review of the district court's order denying West's motion for judgment on the pleadings. West's petition points out that the district court's order addresses a legal issue—the interpretation of the DPPA—on which there is a substantial ground for difference of opinion, citing as support several federal district and appellate court decisions coming to a different conclusion than the one the district court reached in denying West's motion. (Petition at 13-16). The Seventh Circuit's decision in *Graczyk* is yet another federal appellate court decision that further supports West's petition. A copy of the Seventh Circuit's opinion in *Graczyk* is attached.

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Very truly yours,

/s/ Kim M. Watterson

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KMW/hh
Enclosures

cc: All counsel of record