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May 19, 2009

Clerk of the Court  
United States Court of Appeals for the Ninth  
Circuit  
James R. Browning Courthouse  
95 7th Street  
San Francisco, CA 94 103

Re: Powell's Books, Inc. v. Kroger (09-35153)  
ACLU v. Kroger (09-35154)

Dear Sir or Madam

With respect to the two above appeals, there is a confusion as to counsel stemming from the fact that they arise from a single case below:

In Powell's Books, Inc. v. Kroger (09-35153), I am lead counsel, my partner Richard G. Zuckerman will join me (he has filed a notice of appearance), and Ms. Runkles-Pearson is not counsel for the appellants in this appeal.

In ACLU v. Kroger (09-35154), Ms. Runkles-Pearson is lead counsel. Neither I nor Ms. Balaban are counsel for appellants in that appeal.

I would appreciate it if you could correct the docket accordingly.

Very truly yours,

s/Michael A. Bamberger

Michael A. Bamberger

cc: **P.K. Runkles-Pearson**  
**Denise Fjordbeck**