

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

Civil Action No. 98-1232 (CKK)

STATE OF NEW YORK, *et al.*,

Plaintiffs

v.

MICROSOFT CORPORATION,

Defendant.

Civil Action No. 98-1233 (CKK)

**ORDER**

This case comes before the Court on a motion for leave to file a brief as *amicus curiae*. Since an *amicus curiae* does not represent the parties but participates only for the benefit of the Court, it is solely within the discretion of the court to determine the fact, extent, and manner of participation by the *amicus*. In the instant case, both parties are well represented and numerous *amici* have already been permitted to participate in the proceedings. As a result, the Court concludes that the proposed participation would be unhelpful to the Court and would likely impose an unacceptable burden on the Court. Based on the foregoing, it is this \_\_\_ day of

September, 2001, hereby

**ORDERED** that the motion of David L. Whitehead to file a brief as amicus curiae is  
DENIED.

**SO ORDERED.**

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COLLEEN KOLLAR-KOTELLY  
United States District Judge