



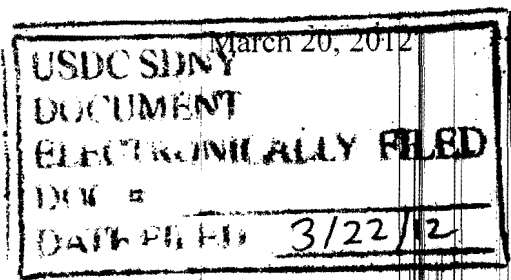
United States Attorney
Southern District of New York

MEMO ENDORSED

86 Chambers Street, 3rd floor
New York, New York 10007

BY HAND

The Honorable Theodore H. Katz
United States Magistrate Judge
United States District Courthouse
500 Pearl Street, Room 1660
New York, NY 10007



Re: NRDC et al. v. US FDA et al., 11 Civ. 3562 (THK)

Dear Judge Katz:

This Office represents the Government in the above-referenced action. I am writing respectfully, and on behalf of both parties, to request that the Court "so order" the enclosed stipulation by the parties. As the enclosed stipulation explains, Government's brief in support of its motion for summary judgment and in opposition to plaintiffs' motion for summary judgment and the administrative record in connection with the action by the United States Food and Drug Administration ("FDA") that is the subject of the parties' cross-motions for summary judgment (the "Administrative Record"), are due tomorrow, March 21, 2012.

As the enclosed stipulation also reflects, the Administrative Record includes more than 17,000 public comments, some of which contain the personal medical history and other private information of the people who submitted the comments. The parties have agreed that, rather than file such comments with the Court, the Government will provide plaintiffs with a copy of such comments, and then redact the personal information out of any of the comments on which plaintiffs wish to rely.

Finally, Government also respectfully requests leave to file the Administrative Record with the Court on CDs, rather than as a hard copy. The Government will file an index to the Administrative Record in hard copy, as well as hard copies of those portions of the Administrative Record that it cites to in its brief. The Government makes this request because the Administrative Record in this matter is voluminous, consisting of more than 3,300 pages (not including the comments that are the subject of the above-referenced stipulation).

Granted.

*Forwarded to Hon. H. Katz
3/22/12 USMJ*

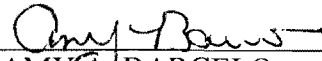
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March 20, 2012
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We thank the Court for its consideration of these requests.

Respectfully,

PREET BHARARA
United States Attorney

By:



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