

September 22, 2005

**Via Facsimile And First Class Mail**

Clerk  
United States Court of  
Appeals First Circuit  
1 Courthouse Way  
Boston, MA 02210

Re: **Robert Gray vs. Transportation Security Administration  
Case No. 05-2024**

Dear Sir/Madam:

I am writing in connection with my client's pending Emergency Motion For Interim Relief Pursuant To 49 U.S.C. § 46110 ("Motion"). I received late last night and early this morning email messages from counsel for Respondent disputing the accuracy of the account in footnote 11 of the Memorandum in support of the Motion ("Footnote 11" of "Memorandum") of our conversation yesterday concerning the production of the record in this matter. Although Footnote 11 accurately reflects both my clear recollection and my notes of the pertinent conversation concerning this issue – which also was explored by Judge Woodlock in a colloquy with counsel for Respondent at yesterday's hearing in the District Court – I write simply to call this dispute to the attention of the Court.

It bears emphasis that Footnote 11 appears in the section of the Memorandum addressing the merits of my client's claims. To the extent that the parties have a legitimate dispute concerning the content of Footnote 11, there is no reason why that dispute would interfere with the emergency briefing schedule that my client seeks from the Court.

Very truly yours,

Hugh Dun Rappaport

HDR/rh

cc: Douglas Letter, Esq. (via email, facsimile and first class mail)  
Mark T. Quinlivan, Esq. (via email, facsimile and first class mail)  
Sarah Wunsch, Esq. (via email, facsimile and first class mail)