

Dear Mr. Petzer.

Grant 14,912 words. JEP 4/23/2007

I request permission to file an enlarged brief - exceeding the word limit of 14,816, approved by this Court's Clerk, James Petzer.

2) Such approval by ~~Mr. Petzer~~^{you} was based on a draft brief submitted to him pursuant to Sec 670.103(e) of the Rules of this Court, under a cover letter requesting an enlarged brief of 14,900 words so as to "accommodate additional record citations and modifications"

3) It appears that ~~Mr. Petzer~~^{you} were unable - or felt himself unable - to grant the requested 14,900 ~~to~~ words because the submitted draft brief was 14,816.

YN

④ Mr Petzer's April 6, 2007 letter to me, and my March 29, 2007 letter to ~~him~~^{you} are annexed to the finalized brief that plaintiffs-appellants wish to file, as part of the Certificate of Compliance.

⑤ These additionally repeated words are attributable to copying several references that annotate the brief and, additionally, because — as a convenience to the court plaintiffs-appellants reproduced in full, Part 33 of the Rules of the Chief Judge, which had not been included in the draft brief. Such verbatim quotation of Part 33 appears at pages 40-41 of what is now Point 1, relating to the assignment of County Court Judge Gerald E. Cochr, as an Acting Supreme Court justice, for this case.

⑥ To further assist the court in resolution of this threshold Point 1, plaintiffs-appellants have submitted a supplement to the Record on Appeal, consisting of correspondence

with the Office of Cmt Administration
of the Unified Cmt System
pertaining to Judge Cochr's
status and the procedures and
rules pertaining to his designation
as Acting Supreme Cmt Justice.

Additionally,

⑦ ~~By this affidavit~~ plaintiffs-appellants
additionally request permission for
inclusion of this exchange of
correspondence with the OCA in the
Record on Appeal. It was not
anticipated that such included
correspondence would be problematic
as these are OCA records, of which
judicial notice may be taken.
Such was so stated at footnote 1
of plaintiffs-appellants' brief.

⑧ The Supplement is preceded by a
yellow cover sheet marked
"Supplement to the Record
Correspondence with the Unified
Cmt System/Office of Cmt
Administration"

The exchange of correspondence
spans pages 904-935
at the back of the bound record.

Elona R. [Signature]
[Signature]