

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
DICK ANTHONY HELLER, <i>et al.</i>)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No.08-01289 (RMU)
)	
DISTRICT OF COLUMBIA, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

DEFENDANTS’ REPLY TO PLAINTIFFS’ OPPOSITION TO
DEFENDANTS’ MOTION TO ENLARGE TIME TO RESPOND

Pursuant to LCvR 7(d) and Fed. R. Civ. P. 6(e), Defendants hereby briefly reply to Plaintiffs’ Opposition to Defendant’s Motion to Enlarge Time to Respond:

1. Plaintiffs correctly argue that it is speculative to attempt to determine when and how the challenged legislation and regulations may change. P.Opp. at 1–2.

2. What is *not* speculative, however, is that the legislation and regulations were passed on an emergency basis, and will expire by operation of law. *See CSX Transp., Inc. v. Williams*, 406 F.3d 667, 669 (D.C. Cir. 2005) (*per curiam*) (“Because the D.C. Act is emergency legislation, it was passed on only one reading by the D.C. Council, was not reviewed by the Congress and is effective for only 90 days.”(citing Home Rule Act §§ 412(a) (D.C. Official Code § 1-204.12); 602(c)(1) (D.C.Code § 1-206.02)); D.C. Official Code § 2-505(c) (2007 Supp.) (“No such [emergency] rule shall remain in effect longer than 120 days after the date of its adoption.”).

3. While Congress may or may not pass legislation invalidating the District’s law, the D.C. Council will take up the permanent version of the legislation in a month, and the odds are that

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