

**Zelle
McDonough
& Cohen LLP**

101 Federal Street
14th Floor
Boston, MA 02110
Tel 617.742.6520
Fax 617.742.1393
www.zelmcd.com

January 19, 2010

Via Hand Delivery

Joseph Stanton, Esq.
Appeals Court Clerk's Office
John Adams Courthouse
One Pemberton Square, Suite 1200
Boston, MA 02108

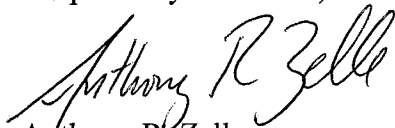
Re: *Marcia Rhodes, et al. v. AIG Domestic Claims, Inc., et al.*
Appeals Court No.: 2009-P-0619

Dear Mr. Stanton,

On behalf of Appellees AIG Domestic Claims, et al, I write to object to the January 15, 2010 letter submitted to you by counsel for the Appellant, Margaret Pinkham under the guise of M.R.A.P. 16(l). Rule 16(l) rule permits a party to advise the court of "pertinent and significant authorities [that] come to the attention of a party after his brief has been filed, or after oral argument" Ms. Pinkham's letter violates the rule's express admonition that "the letter shall **without argument** state the reasons for the supplemental citations." (Emphasis added.) In the first paragraph of her letter, Ms. Pinkham states the reason for the supplemental citation: "[the] decision recently came to the attention of Plaintiffs' counsel." Thereafter, the letter sets forth argument beginning with the assertion: "As set forth in pages 18-24 of the Rhodes Family's brief, and as argued by Attorney Pritzker at the January 12, 2010 oral argument, Plaintiffs' [*sic*] contend"

Appellees respectfully request the court to reject Appellants' submission, both because the content of letter violates Rule 16(l) and because the authority brought to the court's attention by the letter is more than a year old. In the alternative, Appellees request the court to submit to the Panel, Justices Cypher, Berry, and Trainor, only the first paragraph of Ms. Pinkham's letter.

Respectfully submitted,


Anthony R. Zelle

ARZ/ml

Enc.

cc: All Counsel of Record (*by email only*)