

H. William Burgess

2299-C Round Top Drive XHonolulu, Hawaii 96822

Telephone: (808) 947-3234 XFax: (808) 947-5822

Email: hwburgess@hawaii.rr.com

August 17, 2004

Office of the Clerk
U.S. Court of Appeals for the Ninth Circuit
Post Office Box 193939
San Francisco, CA 94119-3939
Dear Sir or Madam:

Re: U.S. Court of Appeals Docket Number: 04-15306
Short Title: Arakaki v. Lingle

Enclosed are the original and sixteen copies of Appellants' Reply to Answering Briefs and five copies of the Further Excerpts of Record. Please return one conformed copy of the reply brief in the enclosed envelope.

The reply brief exceeds the type-volume limitation of FRAP 32(a)(7)(B) because it contains approximately 15,300 words. On August 10, pursuant to Circuit Rule 28-4, I moved for enlargement of size for this brief, to 24,000 words, because it must reply to the five answering briefs containing an aggregate of 55,000 words filed by Appellees. The Court has not yet ruled on that motion. I respectfully request that this reply brief be accepted for filing.

Appellants' motion to expedite hearing dated July 17, 2004 is also still pending.

Please call, fax or email if you have any questions or need anything further. Thank you,

Very truly yours,

H. William Burgess
Attorney for Appellants

cc: Counsel for Appellees