

# David Ferleger

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ATTORNEY

February 2, 2012

General William K. Suter  
Clerk of the Supreme Court  
Supreme Court of the United States  
1 First Street, NE  
Washington, DC 20543

Re: *City of Arlington, Texas v. Richard Frame, et al.*  
No. 11-746

Dear General Suter,

This case has been distributed and is on the conference list for February 17, 2012.

I write to bring to the Court's attention the filing in this Court of a petition for certiorari which sets forth a "question presented" specifically referencing this *Arlington* case.<sup>1</sup>

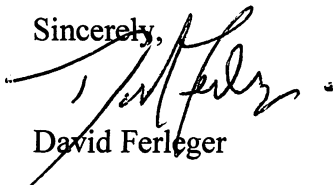
Question 1 in *A Society Without a Name, For People Without a Home Millenium Future-Present v. Virginia Commonwealth University, et al.*, No. 11A506, states:

Whether cause of action accrues under the ADA, FHA, 42 U.S.C. § 1983, and the Equal Protection Clause of the United States Constitution when discrimination actually occurs, giving rise to an actual injury, or at an earlier point when there may be notice that an injury may occur. A substantially similar question is the subject of a petition from the Fifth Circuit, *City of Arlington, Petitioner v. Frame, Respondent*, No. 11-746, a case in which the Fifth Circuit reached the opposite conclusion from the Fourth Circuit within days of the filing of the circuit opinion in this case.

In our view, there is no reason for this Court to delay or defer its action on the distributed petition in *Arlington*, No. 11-746, on account of any eventual consideration of the much broader question raised in *Society*, No. 11A506.

Thank you for your consideration.

Sincerely,



David Ferleger

Cc: Alan Untereiner, Counsel for Petitioner  
Pamela Wachter McAfee, Counsel in *Society*, No. 11A506

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<sup>1</sup> The petition is due in the Court today. Petitioner's counsel advises me that it is being timely filed by the printer.