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January 16, 2010

Office of the Clerk
U.S. Court of Appeals
333 Constitution Avenue, NW
Washington, DC 20001

Re: *Newdow v. Roberts*, No. 09-5126

Dear Sir or Madam:

Pursuant to Fed. R. App. P. 28(j) and Circuit Rule 28(f), Plaintiffs-Appellants submit this supplemental authority regarding *ACLU v. Grayson County*, ___ F.3d ___, No. 08-5548 (6th Cir. January 14, 2010).

Grayson County corroborates yet again that unwelcome exposure to a religious message constitutes an injury-in-fact for Article III standing purposes:

Meredith alleged in his verified complaint that he used the “courthouse to transact civic business” and that, during the course of that business, he had “occasion to view the Ten Commandments display.” The complaint further indicates that the exposure was unwelcome. These statements are sufficient to establish direct and unwelcome contact with the Ten Commandments. As this injury is caused by the inclusion of the Ten Commandments in the Foundations Display and can be redressed by the removal of the Ten Commandments, Meredith has standing to challenge the inclusion of the Ten Commandments.

Slip op. at 6-7. Thus – as has been highlighted repeatedly in the Supreme Court (as well as in every numbered U.S. Circuit Court of Appeals), AOB at 13 & 26 (citing Case Listing #1) and at 28 (citing Case Listing #2) – the District Court was incorrect when it contended that “none of the plaintiffs in this case have standing to challenge the defendants' actions as pled in the complaint because they have identified no concrete and particularized injury.” AOB Appendix at 145-46 (District Court Order of March 12, 2009 at 2-3).

Grayson County also corroborates yet again the principle that once one plaintiff is found to have standing, “there is no need to address the standing of the other plaintiffs.” Slip op. at 6. *Cf.* Brief of Appellees Joseph Lowery and Richard Warren at 10-18 (Document 1208904 at 18-26) (devoting numerous pages to the argument that the undersigned is precluded from challenging Clergy-led prayer at presidential inaugurations, despite the existence of more than 250 other individual and organizational plaintiffs making the same challenge).

Respectfully submitted,

/s/ - Michael Newdow

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

CASE NO. 09-5126

Newdow v. Roberts

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of January 2010, a true and correct copy of Plaintiffs-Respondents' supplemental authority regarding *ACLU v. Grayson County*, ___ F.3d ___, No. 08-5548 (6th Cir. January 14, 2010) was filed with the District of Columbia Circuit's CM/ECF filing system. Accordingly, copies will assumedly be delivered by e-mail to the following individuals:

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/s/ - Michael Newdow

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