



Louis M. Solomon
Tel 212.801.6500
Fax 212.805.5529
lsolomon@gtlaw.com

March 10, 2017

Margaret Carter, Clerk of the Court
United States Court of Appeals for the First Circuit
John Joseph Moakley United States Courthouse
1 Courthouse Way
Boston, Massachusetts 02210

Re: 16-1756 – Congregation Jeshuat Israel (CJI) v. Congregation Shearith Israel

Dear Ms. Carter:

Defendant-Appellant Shearith Israel submits this Rule 28(j) letter. See Dkt. Text 3.8.17.

During the argument, Judge Lynch asked whether Shearith Israel was conceding a charitable trust status “simply for purposes of this appeal or whether it is the independent position” of Shearith Israel “that that is Shearith Israel’s status vis-à-vis both the synagogue and the rimonim?” Shearith Israel thanks the Court for permitting this clarification: Shearith Israel’s concession is for purposes of appeal only; it is not Shearith Israel’s independent position that it should be characterized as a charitable trustee for any purpose (no distinction exists or should be made between the real property and paraphernalia, including the rimonim). Shearith Israel disputed below that it held any property (real or personal) in a formal trust under Rhode Island law for the benefit of CJI; Shearith Israel’s relationship with CJI is reflected in the formal “Twentieth Century” documents the Court referred to at argument. Shearith Israel agrees with The Becket Fund’s positions in its amicus brief, including those regarding the error of the District Court’s trust-related rulings. Shearith Israel argued the same thing. Brief at 52 (CJI as lessee and as settling party is estopped from challenging Shearith Israel’s title).

Lest CJI claim confusion, Shearith Israel reaffirms its fidelity to and relationship with the Jews of Newport as reflected in its conduct as well as in the Indenture with Lease (AD124-128), 1945 Tri-Party Agreement (A2035-41), and 2001 Agreement with the National Trust for Historic Preservation (AD132-38 (full agreement at A2194-209)).

Finally, the record cite Judge Baldock requested regarding the exclusion of Rabbi Soloveichik as a fact witness is AD113-14.

Respectfully,

A handwritten signature in blue ink, appearing to read "Louis M. Solomon".

Louis M. Solomon
cc: Counsel (via ECF)

ALBANY
AMSTERDAM
ATLANTA
AUSTIN
BERLIN*
BOCA RATON
BOSTON
CHICAGO
DALLAS
DELAWARE
DENVER
FORT LAUDERDALE
HOUSTON
LAS VEGAS
LONDON*
LOS ANGELES
MEXICO CITY*
MIAMI
MILAN**
NEW JERSEY
NEW YORK
NORTHERN VIRGINIA
ORANGE COUNTY
ORLANDO
PHILADELPHIA
PHOENIX
ROME**
SACRAMENTO
SAN FRANCISCO
SEOUL*
SHANGHAI
SILICON VALLEY
TALLAHASSEE
TAMPA
TEL AVIV*
TOKYO*
WARSAW*
WASHINGTON, D.C.
WESTCHESTER COUNTY
WEST PALM BEACH

* OPERATES AS
GREENBERG TRAURIG GERMANY, LLP
* OPERATES AS
GREENBERG TRAURIG MAHER LLP
* OPERATES AS
GREENBERG TRAURIG, S.C.
** STRATEGIC ALLIANCE
* OPERATES AS
GREENBERG TRAURIG LLP
FOREIGN LEGAL CONSULTANT OFFICE
* A BRANCH OF
GREENBERG TRAURIG, P.A.,
FLORIDA, USA
* OPERATES AS
GT TOKYO HORITSU JIMUSHO
* OPERATES AS
GREENBERG TRAURIG GRZESIAK SP.K.