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Justice Ruth Bader Ginsburg
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543

By Fedex and Electronic Filing

Dear Justice Ginsburg:

I write to you as the Second Circuit Justice for a 30-day extension to file a petition for certiorari in the matter of Lee-Walker v. New York City Department of Education, Docket No.: 16-4164. The decision is enclosed and the respondent does not object to this request.

I was not counsel at trial or appeal. Rather, I heard about the disposition from a colleague after the distinguished panel handed it down, at which time I asked if the client would be interested in petitioning for certiorari. It took some time for me to get the nod. By then, the time to request a rehearing had firmly expired.

The question on this petition is one that speaks to me, and I believe is cert-worthy as a matter of national significance and clarification of this Court's decision in Garcetti v. Ceballos, Justice Kennedy's majority decision in that case held that Justice Souter's dissent (joined by you and Justice Breyer) suggests the disposition in Garcetti

may have important ramifications for academic freedom, at least as a constitutional value. See *post*, at ___ - ___, 164 L. Ed. 2d, at 712. There is some argument that expression related to academic scholarship or classroom instruction implicates additional constitutional interests that are not fully accounted for by this Court's customary employee-speech jurisprudence. *We need not, and for that reason do not, decide whether the analysis we conduct today would apply in the same manner to a case involving speech related to scholarship or teaching.*

547 U.S. 410, 425 (2006) (emphasis added). The Court has not since decided the open question, and the Circuits have for the most part remained silent, though there is some caselaw that may be construed in favor of petitioner.

The facts of the case in which I wish to bring to The Supreme Court would allow it to chime in on this unanswered question. Petitioner Ms. Lee-Walker was terminated for teaching lessons touching upon the "Central Park Five," a group of teens accused in 1989 of "wilding" in Central Park, then beating and raping a woman. They were each coerced into false confessions, convicted in the press and the courts and spent decades in prison. Eventually, they were freed upon the confession of another individual and further DNA testing. This petition would ask the question as to whether an academic freedom exception should be recognized under the limitations on employee speech imposed under Garcetti.

This petition would be due under normal circumstances on or about January 15, 2018. I can get it done by Valentine's Day, February 14, 2018. The reasons I need the extension are (1) the delay in getting the client's agreement to allow me to take the case; (2) a licensed journalist's trip to Cuba that I am to take between December 17 and January 10, 2018 to report on the rights in that country of the LGBT+; (3) an appellate brief due in the Appellate Division - First Department for another client.

I think this is a question that does not require a fat brief, and is a question of national importance that this Court explicitly held open for further review. Because I am willing to bring this important question to the Court, but need more time, I respectfully request the extra thirty days.

Sincerely,

Greg S. Antollino

Gregory Antollino

cc: Jonathan A. Popolow