

January 16, 2018

Writer's Direct Contact

+1 (202) 778.1663

MHearron@mofo.com

Scott S. Harris, Clerk
Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543

Re: Daleiden v. National Abortion Federation, No. 17-202
Newman v. National Abortion Federation, No. 17-482

Dear Mr. Harris,

I am counsel of record for respondent National Abortion Federation in the above-referenced cases. The petitions for writs of certiorari in the above-referenced cases both seek review from the same judgment of the Ninth Circuit. On November 27, 2017, the Court requested responses to both petitions. The Court extended the time within which to respond to the petitions to January 26, 2018. I write to request additional thirty-day extensions, through February 25, 2018, within which to respond to the petitions.

Counsel for petitioner in No. 17-482 has informed me that petitioner does not oppose this request. Counsel for petitioners in No. 17-202 has informed me that petitioners plan to file a response setting out their position, which will state that petitioners do not oppose the request.

The need for the extensions is due to competing obligations in the federal courts of appeals and in state court. Since the responses were requested, I have prepared post-judgment motions in a significant state-court trial matter, assisted with preparing for oral arguments in the Ninth Circuit and Federal Circuit, and prepared two appeal briefs to be filed in the Federal Circuit. In addition, I was traveling due to longstanding family travel plans outside the United States from December 22, 2017, through January 7, 2018. Moreover, medical issues that have arisen over the past month have compelled my absence for several days.

Co-counsel also has significant competing obligations on other matters, including two opening briefs due in the Court of Appeal of the State of California in February, ongoing commitments in an SEC investigation matter, and completion of a time-intensive fact discovery schedule in a case pending in California state court.

Although we have worked diligently to prepare the opposition, additional time would be of great assistance to inform the Court why the petitions should not be granted. Extensions also are needed because of the need to respond here to two separate petitions, each of which

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raises separate arguments, as well as the four amicus briefs that have been filed in support of the petitions.

The requested extensions would not prejudice petitioners. Even on the current schedule, there would not be sufficient time for the cases to be heard with oral argument this Term. I understand that petitioners in No. 17-202 have requested that the case be summarily vacated and remanded, but there would be plenty of time for that to occur this Term, even if the extensions were granted.

Thank you for considering my request.

Respectfully Submitted,



Marc A. Hearron

cc: Counsel of record for petitioners