



SIDLEY AUSTIN LLP  
1501 K STREET, N.W.  
WASHINGTON, D.C. 20005  
(202) 736 8000  
(202) 736 8711 FAX

cphillips@sidley.com  
(202) 736 8270

BEIJING  
BOSTON  
BRUSSELS  
CHICAGO  
DALLAS  
FRANKFURT  
GENEVA  
HONG KONG  
HOUSTON  
LONDON  
LOS ANGELES  
NEW YORK  
PALO ALTO  
SAN FRANCISCO

SHANGHAI  
SINGAPORE  
SYDNEY  
TOKYO  
WASHINGTON, D.C.

FOUNDED 1866

November 16, 2018

Honorable Scott S. Harris  
Clerk  
Supreme Court of the United States  
Washington, D.C. 20543

Re: Pender, et al. v. Bank of America Corporation, et al., No. 18-578

Dear Mr. Harris:

The petition for a writ of certiorari in the above-captioned case was filed on October 31, 2018 and placed on the docket on November 2, 2018. The response is currently due on December 3, 2018.

Under Rule 30.4 of the Rules of this Court, Respondents Bank of America Corporation and The Bank of America Pension Plan respectfully request a 45-day extension of time, to and including January 17, 2019, within which to file their response.

The undersigned has a variety of obligations before various courts that would make it difficult to complete the response by the current deadline. These matters include, in this Court, a brief in opposition to certiorari in *Ala. Dep't of Revenue v. CSX Transp., Inc.*, No. 18-447 (due December 7, 2018), a brief for respondent in *Tenn. Wine & Spirits Retailers Ass'n v. Byrd*, No. 18-96 (due December 13, 2018), and a petition for certiorari in *Western States Petroleum v. City of Portland*, No. 18A395 (due December 21, 2018); in the Federal Circuit, an opening brief in *Nevro Corp. v. Boston Scientific Corp.*, No. 18-2220 (filed November 8, 2018), a response brief in *Haggart v. United States*, No. 18-1757 (due December 6, 2018), and an opening brief in *Ashford Univ., LLC v. Sec'y of Veterans Affairs*, No. 18-1213 (due December 14, 2018); and in the Fourth Circuit, an oral argument in *Brundle v. Wilmington Trust, N.A.*, No. 17-1873 (December 11, 2018).

Accordingly, Respondents respectfully request a 45-day extension of time.



Honorable Scott S. Harris  
November 14, 2018  
Page 2

Sincerely,

/s/ Carter G. Phillips

Carter G. Phillips

Counsel for Respondents

cc: Julia Penny Clark  
Bredhoff and Kaiser, PLLC  
805 15th Street NW  
Suite 1000  
Washington, DC 20005  
(202) 842-2600