



February 1, 2019

Clerk of the Court
Supreme Court of the United States
1 First Street, N.E.
Washington, DC 20543

Re: *BNSF Railway Company, Petitioner v. Juanita Nye, as Personal Representative of the Estate of Jeffrey Nye, No. 18-847*

Dear Clerk of Court:

Pursuant to Supreme Court Rule 30.4, counsel for Respondent *Juanita Nye, as Personal Representative of the Estate of Jeffrey Nye*, in the matter designated above, hereby requests that the time within which to respond to the petition for certiorari be extended 30 days, to and including March 27, 2017. Consent was requested of counsel for the Petitioner BNSF Railway Company, who consented to this request for a 30-day extension. The petition for certiorari in the above-entitled case was docketed on December 24, 2018. Respondent originally waived her response, filing the waiver on January 8, 2019. On January 24, 2019, this Court requested a response that, unless extended, would be due February 25, 2019.

This request will not prejudice Petitioner's interests and is made necessary for following reasons:

- 1) Counsel for Respondent was retained for this matter after the petition was filed. Because undersigned counsel did not participate in the proceedings below, he will need additional time to become familiar with the record and decisions below;
- 2) The time to draft the brief in opposition also coincides with a number of other appellate proceedings Counsel is responsible for, including a supplemental brief in *In re: Chinese-Manufactured Drywall Products Liability Litigation*, due in the U.S. District Court for the Eastern District of Louisiana February 1, 2019; preparation of co-counsel in Kansas City, Missouri on February 12, 2019 for oral argument in *Riggs v. Airbus Helicopter Inc.* in the U.S. Court of Appeals for the Ninth Circuit February 14, 2019; and oral argument in the South Dakota Supreme Court in *Johnson v. United Parcel Service* in the South Dakota Supreme Court February 21, 2019.

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3) Further, the time to draft the brief in opposition coincides with longstanding work-related travel plans of counsel, including speaking at the winter convention of the

American Association for Justice in Miami on February 3, 2019 and participating in the board meeting of the Civil Justice Research Institute in Los Angeles on February 8-9, 2019.

4) A 30-day extension will not prejudice Petitioner's interests. Petitioner does not object to Respondent's request for this extension. Moreover, when new counsel is hired to represent a party before this Court, the party is usually granted an extension. Thirty days is appropriate for this matter.

For the foregoing reasons, Respondent respectfully requests a 30-day extension in which to file a brief in opposition.

Sincerely,



Robert S. Peck
Counsel of Record
Counsel for Respondents

cc: Charles Cole, *Counsel for Petitioner*