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April 30, 2020

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

Re: PennEast Pipeline Company, LLC v. State of New Jersey et al., No. 19-1039

Dear Mr. Harris:

Respondents the State of New Jersey and the New Jersey Conservation Foundation write to respectfully request a 30-day extension to file responses to the petition for a writ of certiorari in this matter, pursuant to Rule 30.4 of the Rules of this Court. The petition was filed on February 18, 2020 and was placed on this Court's docket on February 20, 2020. The Court requested a response to the petition on April 13, 2020. The responses are currently due on May 13, 2020. An extension of time of 30 days to file a response will create a new due date of June 12, 2020. Petitioner PennEast Pipeline Company, LLC, asked for and received the same 30-day extension of time to file its petition for certiorari.

This request for an extension of time is necessary to ensure that Respondents can review and provide a thorough and appropriate response to the petition because of the assigned attorneys' respective obligations to manage heavy caseloads under current limited resources. Lead attorney for the State of New Jersey, Jeremy Feigenbaum, is overseeing a significant number of emergency matters relating to the State's COVID-19 response, and managing several other litigation matters for the State, with deadlines during this briefing period. The deadlines include the filing of a motion to dismiss on April 22 in *Reavey v. Way* (No. L-729-20) (N.J. Sup. Ct.); the filing of briefs on April 21 and April 27 in *Murphy v. Fulop* (No. MER-C-36-20) (N.J. Sup. Ct.); the filing of a motion to dismiss and opposition to preliminary relief in *Novak v. Way* (No. L-729-20), due May 6; the filing of a motion to dismiss in *Greco v. Grewal* (No. 19-19145) (D.N.J.), due May 11; and delivering oral argument in *Defense Distributed v. Grewal* (No. 19-50723) (CA5) on May 4. At the same time, beyond his litigation responsibilities, Mr. Feigenbaum is spending significant time providing legal advice relating to the State's efforts to combat the spread of COVID-19.

Respondents note that Petitioner opposes this request and would instead consent only to a shorter time extension. But as Petitioner recognized in seeking the same 30-day extension in filing its petition for certiorari, this is a modest extension; and it is necessary to ensure that the State can properly brief its response, even as its attorneys are working diligently on legal issues and cases relating to the State's COVID-19 response. Nor is the fact that the petition was pending before this Court called for a response relevant, because counsel cannot be expected to draft a response after waiving the right to file a brief in opposition prior to receiving such a call.

The New Jersey Conservation Foundation joins in this request to keep the responses to the petition on the same schedule.

Mr. Feigenbaum is not yet a member of the Supreme Court Bar, but understands that the brief in opposition must be filed by a Bar member.

Respectfully yours,



Jeremy Feigenbaum
Assistant Attorney General
State of New Jersey

cc: Counsel of Record



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For New Jersey Conservation Foundation