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By Electronic Filing and Electronic Mail

Denise McNerney
Merits Cases Clerk
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543
Mcnerney@supremecourt.gov

Re: *West Virginia v. EPA*, No. 20-1530, et al.

Dear Ms. McNerney:

I am counsel of record for Nongovernmental Organization respondents in these four cases. This letter requests an extension of the briefing schedule if oral argument is scheduled for the second week of the February sitting. It supersedes the letter I submitted on November 24, which reflected a misunderstanding (entirely my fault) of the petitioners' position on the requested extension.

Petitioners' opening briefs are currently due on December 13, 2021 and respondents' briefs are due on January 12, 2022. With the support of the State and Power Company respondents, Nongovernmental Organization respondents request a 6-day extension of time to file respondents' briefs, to January 18, 2022, in the event oral argument is scheduled during the second week of the February sitting (February 28-March 2). In that event, these respondents consent to extending the due date for reply briefs to February 18, 2022 (reflecting a one-day enlargement of the standard 30 days). If oral argument is held during the second week of the sitting, a February 18 due date for reply briefs would allow for at least the requisite 10 days between the filing of replies and oral argument.


Counsel for petitioners and supporting respondents have been consulted, and consent to the above adjustments to the briefing schedule. The federal respondents do not oppose any adjustment in the briefing schedule that is acceptable to the other parties. The parties are not seeking an adjustment of the current briefing schedule if oral argument is scheduled during the first week of the February sitting.

At the petition stage, in addition to the four petitions for certiorari, three briefs of respondents supporting petitioners and four briefs in opposition were filed. The merits briefing on both sides will require coordination among many parties,

including multiple states. In addition, the period for respondents' briefs spans the year-end holidays. In these circumstances, we submit that the requested short enlargements are appropriate.

Thank you, and please contact me if you have any questions.

Respectfully submitted,

/s/ 

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