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LAWBR.NET

December 2, 2020

Clerk of Court  
Supreme Court of The United States  
1 First Street, NE  
Washington, DC 20543

RE: Milliman, Inc. v. James J. Donelon, Commissioner of Insurance, *etc.*  
Docket No. 20-299

Dear Clerk of Court:

The undersigned is counsel for the Respondent to an Application for Writ of Certiorari filed in the above referenced matter. Last week, on November 25, 2020, we were directed to file a response to Petitioner's writ application on or before December 28, 2020.

Pursuant to Rule 30.4, Respondent respectfully requests an additional thirty (30) days to respond to Petitioner's writ application, or until January 27, 2021, for the reasons stated below.

First, undersigned counsel has been informed by opposing counsel that Petitioner has no objection to Respondent's request for a thirty (30) day extension and that Petitioner will not oppose this request. We therefore respectfully suggest that granting this request for an extension will cause no prejudice to the Petitioner.

Second, in addition to the everyday workload typical of a busy practice, undersigned counsel currently has several previously scheduled commitments in other matters between today and December 28<sup>th</sup> that will make it difficult to comply with the current response deadline. These other previously scheduled commitments include: (a) three (3) relatively complex and involved filing deadlines later this week (one due tomorrow, December 3<sup>rd</sup> and two due Friday, December 4<sup>th</sup>); (b) a hearing in a multi-party, complex commercial case involving dispositive motions and witness testimony on December 11<sup>th</sup>; and (c) a hearing in a multi-party, complex construction litigation case involving dispositive motions and witness testimony on December 14<sup>th</sup>. Respondent respectfully suggests that an additional thirty (30) days to review and respond to Petitioner's writ application—and *Amicus* brief filed herein by the American Institute of CPAs—is reasonable under the circumstances.

Third, and unfortunately, one of the three attorneys working on this eight-figure case for the Respondent recently completed radiation treatments for recurrent cancer in Houston, Texas,

and has only returned to work, part-time, last month. This attorney is still experiencing side-effects from radiation treatment, is still receiving medical treatment for his cancer, and sees his treating physicians regularly. This attorney expects to return to full-time work after the first of the new year. If the current filing deadline of December 28<sup>th</sup> is not extended, to the extent he is able to work on this response, it may compromise his health and general well-being and will undoubtedly place an additional burden on the other attorneys working on this important case.


Fourth, given that the current deadline is just three (3) days after Christmas, if not extended and in light of the reasons set forth above, it may be necessary to work through the entirety of Christmas week, thereby severely impacting the personal lives of our firms' staff and support personnel. Given the hardships that we have all endured during this historic year, undersigned counsel respectfully requests that he, his fellow attorneys, his supporting staff, and all of our respective families, not be deprived of a relatively "normal" Christmas this year if at all possible.

For all of these reasons, we respectfully request an additional thirty (30) days, or until January 27, 2021, to file our response to Petitioner's writ application.

Sincerely,

**WALTERS, PAPILLION,  
THOMAS, CULLENS, LLC**

By:

  
J. E. Cullens, Jr.  
Trial Attorney for Respondent

JECjr/kr