



December 8, 2021

VIA OVERNIGHT DELIVERY

Mr. Scott Harris, Clerk
Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543

Re: Morgan v. Sundance Inc.: No. 21-328

Dear Mr. Harris:

As a supplement to the Application for extension of time to File Petitioner's Reply Brief filed on November 30, 2021 and the simultaneously filed conditional joint motion for an extension of the deadline for Respondent's brief, Petitioner provides additional information about the reasons that these extensions are being sought. First, it is anticipated that Respondent will shortly be securing new lead counsel, who will need time to familiarize themselves with the issues presented by this case. Second, co-counsel for Petitioner, Leah Nicholls, will be on maternity leave beginning in early February, leaving Petitioner's counsel with fewer team members familiar with the case and issues.

Finally, the prejudice requirement has been consistently applied in arbitration waiver cases in the Eighth Circuit for some time such that the parties did not have an opportunity to brief the appropriateness of such a requirement in the proceedings below. Thus, both parties anticipate responding to new arguments in their answering and reply briefs and wish to have as much time as possible to develop those responsive arguments, to ensure the highest quality presentation of the issues to this Court of which they are capable.

Thank you for your assistance in this matter. Please do not hesitate to contact me with any questions you may have.

Cordially,

Karla Gilbride
Counsel of Record for Petitioner

cc: Reyburn Williams Lominack III (Counsel of Record for Respondent)