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Denise McNerney
Merits Clerk
Supreme Court of the United States
1 First Street, NE
Washington, D.C. 20543

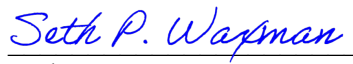
Re: *Glossip v. Oklahoma*, No. 22-7466

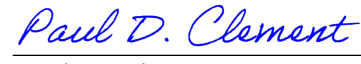
Dear Ms. McNerney:

This letter responds to your request that the parties explain why the Joint Motion for Divided Argument was not filed with this Court within seven days of the filing of the Brief submitted by the Court-appointed amicus curiae. Rule 28.4 specifies that “[o]nly one attorney will be heard for each side, except by leave of the Court on motion filed ... no later than 7 days after the respondent’s or appellee’s brief on the merits is filed.” We were under the misimpression that the reference to “each side” was a reference to petitioner/appellant and respondent/appellee, such that where only one lawyer for each party was presenting argument and the respondent supports reversal, no motion under Rule 28.4 was required, and the Court would allocate time to the parties and the Court-appointed amicus by order under Rule 28.3 (“[u]nless the Court directs otherwise, each side is allowed 30 minutes for argument”).

We apologize for this misunderstanding.

Sincerely,


Seth P. Waxman
Counsel for Petitioner


Paul D. Clement
Counsel for Respondent

cc: Christopher G. Michel
Court-Appointed Amicus Curiae