

No. 22-800

IN THE SUPREME COURT OF THE UNITED STATES

CHARLES G. MOORE AND KATHLEEN F. MOORE, PETITIONERS

v.

UNITED STATES OF AMERICA

CERTIFICATE OF SERVICE

It is hereby certified that all parties required to be served have been served with copies of the **BRIEF FOR THE UNITED STATES** via email and by first-class mail, postage prepaid, this 16TH day of October, 2023.

[See Attached Service List]

As required by Supreme Court Rule 33.1(h), I certify that the document 12,967 words, excluding the parts of the document that are exempted by Supreme Court Rule 33.1(d). I declare under penalty of perjury that the foregoing is true and correct. Executed on October 16, 2023.

Elizabeth B. Prelogar
Solicitor General
Counsel of Record
Department of Justice
Washington, D.C. 20530-0001
(202) 514-2218

October 16, 2023

Due to the continuing delay in receiving incoming mail at the Department of Justice, in addition to mailing your brief via first-class mail, we would appreciate a fax or email copy of your brief. If that is acceptable to you, please fax your brief to Charlene Goodwin, Supervisor, Case Management Specialist, Office of the Solicitor General, at (202) 514-8844, or email at SupremeCtBriefs@USDOJ.gov. Ms. Goodwin's phone number is (202) 514-2218. Thank you for your consideration of this request.

22-0800

MOORE, CHARLES G., ET AL.
USA

ANASTASIA P. BODEN
CATO INSTITUTE
1000 MASS. AVE., N.W
WASHINGTON, DC 20001
202-216-1414
ABODEN@CATO.ORG

JONATHAN C. BOND
GIBSON, DUNN & CRUTCHER LLP
1050 CONNECTICUT AVE., N.W.
WASHINGTON, DC 20036
202-955-8500
JBOND@GIBSONDUNN.COM

LINDA T. COBERLY
WINSTON & STRAWN LLP
35 W. WACKER DRIVE
CHICAGO, IL 60601
312-558-8768
LCOBERLY@WINSTON.COM

THEODORE M. COOPERSTEIN
THEODORE M. COOPERSTEIN, P.C.
1020 HIGHLAND COLONY PARKWAY
SUITE 803
RIDGELAND, MS 39157
601-397-2471
TED@MSAPPELLATELAWYERS.COM

LAWRENCE S. EBNER
ATLANTIC LEGAL FOUNDATION
1701 PENNSYLVANIA AVE NW
200
WASHINGTON, DC 20006
2027296337
KBC74@GEORGETOWN.EDU

STEVEN A. ENGEL
DECHERT LLP
1900 K STREET, NW
L2 MAILROOM
WASHINGTON, DC 20006-1110
202-261-3300
STEVEN.ENGEL@DECHERT.COM
202-261-3333(Fax)

RICHARD A. EPSTEIN
16 THOMAS PLACE
NORWALK,, CT 068
773-450-4476
RAEPSTEIN43@GMAIL.COM

MATTHEW C FORYS
LANDMARK LEGAL FOUNDATION
19415 DEERFIELD AVE.,
SUITE 312
LEESBURG, , VA 20176
703-544-6100
MATT@LANDMARKLEGAL.ORG

MATTHEW C. FORYS
LANDMARK LEGAL FOUNDATION
19415 DEERFEILD AVE.
SUITE 312
LEESBURG , VA 20176
703-554-6100
MATT@LANDMARKLEGAL.ORG

ANDREW M. GROSSMAN
BAKER & HOSTETLER LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 1100
WASHINGTON, DC 20036
202-861-1697
AGROSSMAN@BAKERLAW.COM

WILLIAM A. HARVEY
BRANZBURG LLP
1835 MARKET STREET
SUITE 1400
PHILADELPHIA, PA 19103
215-569-3003
WHARVEY@KLEHR.COM

JOSEPH D. HENCHMAN
TAX FOUNDATION UNION FOUNDATION
122 C STREET N.W.
#650
WASHINGTON, DC 20001
703-683-5700
JBH@NTU.ORG

JACOB HUEBERT
LIBERTY JUSTICE CENTER
440 N. WELLS STREET, SUITE 200
CHICAGO, IL 60654
312-637-2280
JHUEBERT@LJC.ORG

WILLIAM E. JACOBS
WEISBROD MATTEIS & COPLEY PLLC
1200 NEW HAMPSHIRE AVE. NW
4TH FLOOR
WASHINGTON, DC 20036
202-888-1666
WJACOBS@WMCLAW.COM

ERIK S. JAFFE
SCHAERR | JAFFE LLP
1717 K STREET, NW
SUITE 900
WASHINGTON , DC 20006
202-787-1060
EJAFFE@SCHAERR-JAFFE.COM

CALVIN H. JOHNSON
SCHOOL OF LAW
UNIVERSITY OF TEXAS AT AUSTIN
727 EAST DEAN KEETON ST.
AUSTIN, TX 78705
512-471-5151
CJOHNSON@LAW.UTEXAS.EDU

NEAL KUMAR KATYAL
HOGAN LOVELLS US LLP
COLUMBIA SQUARE
555 THIRTEENTH STREET, N.W.
WASHINGTON, DC 20004
202-637-5600
NEAL.KATYAL@HOGANLOVELLS.COM

MICHAEL B. KIMBERLY
MCDERMOTT WILL & EMERY LLP
500 NORTH CAPITOL STREET, NW
WASHINGTON, DC 20001
202-756-8901
MKIMBERLY@MWE.COM

ELBERT LIN
HUNTON ANDREWS KURTH LLP
951 EAST BYRD STREET,
RIVERFRONT PLAZA
EAST TOWER
RICHMOND, VA 23219
804-788-7202
ELIN@HUNTON.COM

THOMAS R. MCCARTHY
ANTONIN SCALIA LAW SCHOOL SUPREME
COURT CLINIC CONSOVOY MCCARTH PLLC
1600 WILSON BOULEVARD
SUITE 700
ARLINGTON, VA 22209
703-243-9423
TOM@CONSOVOYMCCARTHY.COM

CLARK M. NEILY, III
CATO INSTITUTE
1000 MASS. AVE., N.W.
WASHINGTON, DC 20001
202-425-7499
CNEILY@CATO.ORG

LARRY J. OBHOF, JR.
SHUMAKER, LOOP & KENDRICK, LLP
41 SOUTH HIGH STREET
SUITE 2400
COLUMBUS, , OH 43215
LOBHOF@SHUMAKER.COM

LISA H. SCHERTLER
SCHERTLER ONORATO MEAD & SEARS
555 THIRTEENTH STREET, N.W.
SUITE 500 WEST
WASHINGTON, DC 20004
202-628-4199
LSCHERTLER@SCHERTLERLAW.COM

LINDSAY S. SEE
SOLICITOR GENERAL OF STATE OF WEST
VIRGINIA
STATE CAPITOL COMPLEX
BUILDING 1
ROOM E-26
CHARLESTON, WV 25305
304-558-2021
LINDSAY.S.SEE@WVAGO.GOV

THEODORE P. SETO
LOYOLA LAW SCHOOL
919 ALBANY STREET
LOS ANGELES, CA 90015
213-736-1154
THEODORE.SETO@LLS.EDU

ILYA SHAPIRO
209 MIDVALE ST
FALLS CHURCH, VA 22046
202-577-1134
ILYA.SHAPIRO@GMAIL.COM

LAURA SNYDER
SEAT
BOX 19602, MANULIFE P.O.
TORONTO, ONTARIO M4W 3T9
CANADA,
LAURA@SEATNOW.ORG

MADISON S. SPACH, JR.
SPACH, CAPALDI & WAGGAMAN, LLP
4695 MACARTHUR CT.
SUITE 1100
NEWPORT BEACH, CA 92660
949-350-0700
SPACH@SCWLAWFIRM.COM

KATHRYN E. TARBERT
SCHAERR|JAFFE LLP
1717 K STREET NW
SUITE 900
WASHINGTON, DC 20006
202-787-1060
KTARBERT@SCHAERR-JAFFE.COM

GORDON D. TODD
SIDLEY AUSTIN LLP
1501 K STREET, N.W.
WASHINGTON, DC 20005
202-736-8760
GTODD@SIDLEY.COM

PHILIP D. WILLIAMSON
TAFT STETTINIUS & HOLLISTER LLP
425 WALNUT STREET
SUITE 1800
CINCINNATI, OH 45202
513-381-2838
PWILLIAMSON@TAFTLAW.COM