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Mr. Scott S. Harris
Clerk of Court
Supreme Court of the United States
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Washington, DC 20543

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Re: *The Ohio State University, Petitioner v. Edward Gonzales, et al.*, No. 22-897 – Respondents’ Request for Extension of Time to File Brief in Opposition to Petition for Writ of Certiorari

Dear Mr. Harris,

Pursuant to Rule 30.4, the following Respondents hereby request a 30-day extension of time to file their brief in opposition to the Petition for Writ of Certiorari.

I am counsel for certain Respondents in this case, including the putative class, who were Plaintiff-Appellants in proceedings before the Court of Appeals for the Sixth Circuit, including Edward Gonzales, et al. (No. 21-3972), Rocky Ratliff (No. 21-3974); Eric Smith, et al., (No. 21-3982); Michael Alf, et al., (No. 21-4070); and Michael Canales, et al. (No. 21-4128). Respondents John Doe 174, et al., (No. 21-4109); John Doe 195 (No. 21-4116); and John Doe 162 (No 21-4121) are represented by different counsel, who I believe will be submitting a similar request.

The Petition in this case was filed March 14, 2023, and all Respondents filed waivers on April 14, 2023. The matter was distributed for conference and on May 2, 2023, the Court requested a response, setting a deadline of June 1, 2023.

This is Respondents’ first request for an extension of time to file a response. Good cause exists for the request.

First, there are 128 individual respondents in Case No. 22-897, as well as a putative class; the Respondents herein are represented by different counsel. Compounding this is the relationship of this case, No. 22-897, with Case No. 22-896 on this Court’s docket. Petitioner has requested that the petition it filed in this case be held pending a decision on the petition in Case No. 22-896. The nature of the relationship

among Respondents' counsel within this case and across the two cases will require multiple counsel groups to coordinate on briefing.

The extension of time is also necessary due to the press of other business and personal commitments of the Gonzales Respondents' counsel. The three partners primarily responsible for this matter are scheduled for multiple depositions in the month of May in the D. Colorado, a May mediation in New York, June mediations in W.D. Oklahoma and N.D. New York, and pressing discovery demands in multi-district litigation in W.D. Pa. in which our firm serves as co-lead counsel. Apart from these conflicts and the demands of other cases, several of Respondents' counsel are navigating long-planned early-summer vacations.

In sum, an extension of time would better enable coordination among counsel and preparation of a response or responses that would be most helpful to the Court.

Accordingly, Respondents herein respectfully request that the time for filing a brief in response to the petition for writ of certiorari be extended by 30 days. Counsel for Petitioner, Mr. Gregory Garre, has informed us that Petitioner opposes the requested extension.

May 8, 2023

/s/ Rex A. Sharp
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cc:

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