

**In the Supreme Court of the United States**

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UNITED STATES EX REL. TRACY SCHUTTE, ET AL.,  
*Petitioners,*

v.

SUPERVALU INC., ET AL.,  
*Respondents.*

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UNITED STATES, EX REL. THOMAS PROCTOR,  
*Petitioner,*

v.

SAFEWAY, INC.  
*Respondent.*

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APPLICATION TO FILE BRIEFS IN EXCESS OF THE WORD LIMITS

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To the Honorable Justice Barrett, as Circuit Justice for the Seventh Circuit:

Pursuant to Supreme Court Rule 33.1(d), petitioners Tracy Schutte, Michael Yarberry, and Thomas Proctor respectfully request leave for the parties in these consolidated cases to file briefs in excess of the word limits.

1. On January 13, 2023, this Court granted certiorari in the above-captioned cases and consolidated them. The two cases have a common question presented, but have separate underlying factual records and procedural histories.

2. Counsel for petitioners and respondents have conferred and agree that, given the substantial overlap in the legal arguments between the cases, a single set

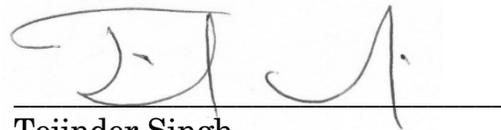
of briefs and a single joint appendix would be more useful to the Court than two sets of briefs and appendices.

3. Because this single set of briefs must describe the summary judgment records and procedural histories of two separate cases, good cause exists to enlarge the briefs slightly above the usual word limits applicable to briefs in a single case.

4. Petitioners and respondents accordingly jointly request that petitioners be permitted to file a single opening brief of no more than 15,000 words; that respondents be permitted to file a single brief of no more than 15,000 words; and that petitioners be permitted to file a single reply brief of no more than 7,000 words, excluding any portions normally excluded from the word count by this Court's rules.

5. This application is being filed more than 15 days before the due date for all of the above-mentioned briefs.

Respectfully submitted,



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