

In the Supreme Court of the United States

---

JOHN H. MERRILL,  
IN HIS OFFICIAL CAPACITY AS THE ALABAMA SECRETARY OF STATE, *et al.*,  
*Appellants*,  
v.  
EVAN MILLIGAN, *et al.*,  
*Appellees*.

---

JOHN H. MERRILL,  
IN HIS OFFICIAL CAPACITY AS THE ALABAMA SECRETARY OF STATE, *et al.*,  
*Petitioners*,  
v.  
MARCUS CASTER, *et al.*,  
*Respondents*.

---

**UNOPPOSED APPLICATION FOR 14-DAY EXTENSION OF TIME  
TO FILE REPLY BRIEF ON THE MERITS**

---

Dorman Walker  
BALCH & BINGHAM LLP  
105 Tallapoosa Street, Ste. 200  
P.O. Box 78 (36101)  
Montgomery, AL 36104  
(334) 269-3138  
DWalker@Balch.com

Jeffrey M. Harris  
Taylor A.R. Meehan  
CONSOVOY MCCARTHY PLLC  
1600 Wilson Blvd., Ste. 700  
Arlington, VA 22209  
(703) 243-9423  
Jeff@ConsovoyMcCarthy.com

Steve Marshall  
*Attorney General*

Edmund G. LaCour Jr.  
*Counsel of Record*  
A. Barrett Bowdre  
Thomas A. Wilson  
James W. Davis  
Misty S. Fairbanks Messick  
Brenton M. Smith  
A. Reid Harris  
Benjamin M. Seiss  
OFFICE OF THE ATTORNEY GENERAL  
STATE OF ALABAMA  
501 Washington Avenue  
P.O. Box 300152  
Montgomery, AL 36130-0152  
(334) 242-7300  
Edmund.LaCour@AlabamaAG.gov

*Counsel for Appellants/Petitioners*

## **CORPORATE DISCLOSURE STATEMENT**

Per Supreme Court Rule 29.6, Petitioners state that they have no parent company or publicly held company with a 10% or greater ownership interest in it.

TO THE HONORABLE CLARENCE THOMAS, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE ELEVENTH CIRCUIT:

Pursuant to Rules 22 and 30.3, Appellants/Petitioners (“Appellants”) respectfully request an unopposed 14-day extension of time to and including August 24, 2022, to file its reply brief on the merits in this case.

1. On January 28, 2022, Appellants filed applications for a stay or injunctive relief pending appeal in two cases—*John H. Merrill, Alabama Secretary of State, et al. v. Evan Milligan, et al.*, No. 21-1086, and *John H. Merrill, Alabama Secretary of State, et al. v. Marcus Caster, et al.*, No. 21-1087—related to preliminary injunctions that had been entered by districts courts in both cases based on the same evidence.

2. On February 7, 2022, the Court in *Milligan* construed the application as a jurisdictional statement and noted probable jurisdiction. That same day, the Court in *Caster* construed the application as a petition for a writ of certiorari before judgment and granted the petition.

3. On February 22, 2022, the Court consolidated the cases for briefing and oral argument and set the same question presented for both cases.

4. On March 14, 2022, the Court granted Appellants’ application to file consolidated opening and reply briefs on the merits provided that the opening brief does not exceed 18,000 words and the reply brief does not exceed 10,000 words.

5. On April 25, 2022, Appellants filed their opening brief on the merits.

6. On June 14, 2022, the Court set oral argument for October 4, 2022.

7. On June 30, 2022, the Court granted Appellees' application for leave to file their brief on the merits in excess of the word limit, and on July 1, 2022, the Court granted Respondents' similar application.

8. On July 11, 2022, Appellees and Respondents ("Respondents") each filed response briefs on the merits in excess of the word limit.

9. On July 18, 2022, the United States filed an *amicus curiae* brief in support of Respondents. In addition to the United States, 21 other *amici curiae* filed separate briefs in support of Respondents.

10. Respondents' briefs make separate legal arguments and emphasize different portions of the record. The United States' brief focuses on legal arguments distinct from those of Respondents, as do many of the briefs of Respondents' other *amici*.

11. Because of scheduling conflicts created by ongoing litigation matters and to adequately address Respondents' and their *amici*'s arguments in one consolidated reply brief, Appellants respectfully request a 14-day extension of time to and including August 24, 2022, to file their brief. This extension will still ensure that all merits briefing concludes well in advance of argument on October 4, 2022.

12. Appellants have conferred with Respondents, who do not oppose Appellants' request.

Respectfully submitted,

Steve Marshall  
*Attorney General*

/s/ Edmund G. LaCour Jr.  
Edmund G. LaCour Jr.  
*Counsel of Record*

A. Barrett Bowdre  
Thomas A. Wilson  
James W. Davis  
Misty S. Fairbanks Messick  
Brenton M. Smith  
A. Reid Harris  
Benjamin M. Seiss  
OFFICE OF THE ATTORNEY GENERAL  
STATE OF ALABAMA  
501 Washington Avenue  
P.O. Box 300152  
Montgomery, AL 36130-0152  
(334) 242-7300  
Edmund.LaCour@AlabamaAG.gov

*Counsel for Secretary Merrill*

Dorman Walker  
BALCH & BINGHAM LLP  
105 Tallapoosa Street, Ste. 200  
P.O. Box 78 (36101)  
Montgomery, AL 36104  
(334) 269-3138  
DWalker@Balch.com

*Counsel for Sen. McClendon  
and Rep. Pringle*

Jeffrey M. Harris  
Taylor A.R. Meehan  
CONSOVOY MCCARTHY PLLC  
1600 Wilson Blvd., Ste. 700  
Arlington, VA 22209  
(703) 243-9423  
Jeff@ConsovoyMcCarthy.com

*Counsel for Secretary Merrill*

JULY 22, 2022