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September 6, 2023

Via EFS and FedEx

Scott S. Harris
Clerk of Court
Supreme Court of the United States
One First Street, NE
Washington, DC 20543

Re: *American Petroleum Institute et al., v. State of Minnesota*, No. 23-168
Motion to Extend Time to File Response to Petition for Writ of Certiorari

Dear Mr. Harris,

The undersigned is counsel of record for Respondent, State of Minnesota (“State”), in the above-referenced matter. The Petition for a Writ of Certiorari was docketed on August 18, 2023, and the State’s response is currently due September 21, 2023. Pursuant to Rule 30.4 of this Court, the State respectfully requests an extension of thirty (30) days. A thirty-day extension would expire Saturday, October 21, and under Rule 30.1 the response would then become due October 23, 2023.

The State requests an extension because of counsel’s significant professional commitments in September. For instance, one week before the response is currently due, the undersigned counsel will be preparing for and attending to an oral argument for matters in Delaware. Also that week, other counsel within my firm with responsibility over this matter will be preparing for and attending to an oral argument for another matter in California. An extension would allow the State’s counsel adequate time to address the Petition and prepare a response that is helpful to the Court.

The requested extension is reasonable in light of the proceedings to date and would not prejudice Petitioners. Petitioners previously applied to Justice Kavanaugh for a sixty-day extension of the deadline to file a Petition for a Writ of Certiorari, which Justice Kavanaugh granted. In their application, Petitioners asserted that this matter presents “weighty and complex issues” justifying an extension of the deadline to file a Petition. Petitioners filed their Petition on August 18, 2023, two days before their sixty-day extension expired. The State has not previously sought any extensions of time in this matter.

Thank you for your consideration.

Respectfully submitted,

/s/ Victor M. Sher

Victor M. Sher
Sher Edling LLP

*Counsel of Record for Respondent
State of Minnesota*

cc: All Counsel of Record