



September 27, 2023

Honorable Scott S. Harris, Clerk of the Court
Supreme Court of the United States
One First Street, NE
Washington, DC 20543-0001

Re: Docket Nos. 23-235 & 23-236
U.S. Food & Drug Administration v. Alliance for Hippocratic Medicine
Danco Laboratories, LLC v. Alliance for Hippocratic Medicine

Dear Mr. Harris:

On September 12, 2023 the Court docketed the Petition for a Writ of Certiorari and called for a response on October 12, 2023 in each of the above-referenced cases. Pursuant to Supreme Court Rule 30.4, Respondents request a 28-day extension to file a consolidated brief in opposition, to and including November 9, 2023.

Counsel for Respondents seek an extension of time in which to file their brief in opposition due to the fact they will be responding to petitions for certiorari in each of the cases referenced and because of the press of other litigation deadlines. Counsel has the following deadlines in the weeks leading up to and immediately following the current deadline:

- An opening brief on September 25, 2023 in *L.M. Town of Middleborough*, U.S. Court of Appeals for the First Circuit, No. 23-1535;
- An amicus brief on September 26, 2023 in *Volokh v. James*, U.S. Court of Appeals for the Second Circuit, No. 23-356;
- An amicus brief on October 2, 2023 in *Parents Defending Education v. Olentangy Local School District*, U.S. Court of Appeals for the Sixth Circuit, No. 23-3630
- An amicus brief on October 5, 2023 in *Finney v. Missouri Department of Corrections*, U.S. Supreme Court, No. 23-203;

- A supplemental reply brief on October 13, 2023 in *Kerr v. Planned Parenthood South Atlantic*, U.S. Court of Appeals for the Fourth Circuit, No. 21-1043;
- An opening brief on October 18, 2023 in *Christian Healthcare Centers v. Nessel*, U.S. Court of Appeals for the Sixth Circuit, No. 23-1769; and
- An amicus brief on October 18, 2023 in *SEC v. Jarkesy*, U.S. Supreme Court, No. 22-859.

Additionally, Respondents plan to submit one consolidated brief in opposition to the two petitions for certiorari referenced above and, therefore, request an expansion of the 9,000 word limit to 13,500 words.

Counsel for Danco Laboratories consent to the requested extension and expansion of word limit and counsel for U.S. Food and Drug Administration indicated they do not oppose either request.

For these reasons, Respondents respectfully request that the time in which to file their brief in opposition in these matters be extended for 28 days to November 9, 2023 and be expanded to 13,500 words.

Respectfully Submitted,

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