

No. 23-411

IN THE

Supreme Court of the United States

VIVEK H. MURTHY, SURGEON GENERAL, ET AL.,

Petitioners,

v.

MISSOURI, ET AL.

Respondents.

*ON WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT*

**RESPONDENTS' MOTION FOR LEAVE TO FILE
OUT OF TIME, EXTEND TIME FOR ORAL ARGUMENT
FOR BOTH SIDES AND TO DIVIDE ARGUMENT**

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Kulldorff, Dr. Aaron Kheriaty,

and Jill Hines

MOTION FOR LEAVE TO FILE OUT OF TIME, EXTEND TIME FOR ORAL ARGUMENT FOR BOTH SIDES AND TO DIVIDE ARGUMENT

Pursuant to Supreme Court Rules 21 and 28, individual Respondents Drs. Jay Bhattacharya, Martin Kulldorff, Aaron Kheriaty and Ms. Jill Hines and Mr. Jim Hoft (collectively “the Individual Respondents”) respectfully move to file this motion to extend oral argument time by ten minutes and divide argument in this matter. The reasons for this motion are as follows:

1. The request for additional time and to split argument was delayed because the parties had to take time to meet and confer on argument and to seek consent on this matter and the schedules of the attorneys, some of whom have heavy governmental responsibilities, were crowded at this time. After conferral, the Petitioners, per the Solicitor General, take no position on this motion and the Respondent State of Louisiana does not oppose. The moving Individual Respondents believe Respondent State of Missouri does not oppose but have not received its position in writing.
2. The Individual Respondents, some of whom are not citizens of the Respondent States, have standing and injury arguments unique from and that may not adequately be presented to the Court by the Respondent States in this matter. The Individual Respondents seek only ten minutes extra time (with the same for the Petitioners) with an attorney familiar with the record and law in this case as it pertains to them.

3. There is an extensive record in this matter, and the added time will aid the Court in its deliberations in this novel matter. Additional time will benefit not only the Court and Individual Respondents, but it will also reduce the burden otherwise placed on a government attorney arguing for Respondent States but not representing the Individual Respondents. An attorney for the Respondent States should not be tasked with diverting preparation or argument time to address facts and law regarding the Individual Respondents.
4. Argument in this matter is not until March 18, 2024 (with the Court's counsel form due March 6, 2014). The motion is made only six days past time under Rule 28, is in time for the applicable conference, and it is not a contested motion.
5. No party will be prejudiced by this motion, and granting the relief sought will aid the Court on an important matter; as demonstrated by the 28 *amici curiae* briefs filed on behalf of Respondents, this case is a matter of widespread public interest.

CONCLUSION

For the foregoing reasons, Individual Respondents respectfully request that an order be entered allowing the filing of this motion out of time, extending the time for oral argument by ten minutes for both sides and allowing divided argument.

Dated: February 15, 2024

Respectfully submitted,

/s/ John J. Vecchione

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