FINK BRESSACK

December 5, 2023

VIA ECF

Scott S. Harris, Clerk
Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543

Re: ***Sidney Powell, Brandon Johnson, Howard Kleinhendler, Julia Haller, Gregory Rohl & Scott Hagerstrom v. Gretchen Whitmer, Jocelyn Benson & City of Detroit, Michigan, et al.*, No. 23-486**
Motion to Extend Time to Respond to Petition for Certiorari by 40 Days

Dear Mr. Harris:

I am writing on behalf of Respondent City of Detroit, Michigan in the above-captioned case to request an extension of time of forty days for the filing of a brief in opposition to the Petition for Writ of Certiorari. The City of Detroit previously filed a letter motion requesting a sixty-day extension on December 1, 2023. Following the filing of the City of Detroit's initial letter motion, counsel for the parties conferred and agreed to the following briefing schedule, to the extent that it is acceptable to the Court:

- Wednesday, January 17, 2024: Respondents file any briefs in opposition.
- Tuesday, January 30, 2024: Petitioners file their optional reply.
- Wednesday, January 31, 2024: the Petition is distributed to the Justices.

Accordingly, under Rule 30.4 of the United States Supreme Court, the City of Detroit respectfully asks that the time for filing its brief in opposition be extended by forty days, so that the City of Detroit's brief in opposition to the Petition is due on January 17, 2024, in conformity with the agreed-to briefing schedule stated above. Petitioner and the State Respondents do not oppose the requested forty-day extension.[1] This letter motion supersedes that filed by the City of Detroit on December 1, 2023.

[1] Counsel for Petitioner L. Lin Wood in a related matter before this Court, *L. Lin Wood v. City of Detroit, Michigan*, No, 23-497, has also indicated that he does not oppose the extension sought by the City of Detroit in this matter.

This request for an extension is the City of Detroit's first. Good cause exists for the requested extension. The City of Detroit's counsel has several other professional commitments prior to the current deadline. Among other matters, counsel is responsible for mediation of a case involving 495 auto defect claims in a pending mass action in Wayne County Circuit Court, preparation for Michigan Court of Appeals January 3, 2024 oral argument (noticed November 30, 2023), preparation for an imminent bench trial in Oakland County Circuit Court and final preparation for a Fairness Hearing regarding a significant class action settlement in the Western District of Michigan which has been facilitated by the Sixth Circuit Mediation Office.

The requested extension is necessary to ensure that the City of Detroit and its counsel have an adequate opportunity to review and respond to the Petition for Writ of Certiorari. The requested extension will also better enable preparation of a response that will be most helpful to the Court.

Accordingly, the City of Detroit requests a forty-day extension of time, to and including January 17, 2024, to file its brief in opposition to the Petition for Writ of Certiorari.

Thank you for your attention to this matter.

Respectfully submitted,

FINK BRESSACK

/s/ David H. Fink
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