

Cooper & Kirk

Lawyers

A Professional Limited Liability Company

1523 New Hampshire Avenue, N.W.

Washington, D.C. 20036

Charles J. Cooper

(202) 220-9660

ccooper@cooperkirk.com

(202) 220-9600

Fax (202) 220-9601

March 29, 2024

By Electronic & U.S. Mail

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

Re: *Killilea v. Coan*, No. 23-721
Dunne v. Coan, No. 23-818

Dear Mr. Harris:

Subject to bankruptcy court approval, I have been retained to represent Respondent Richard M. Coan, as Chapter 7 Trustee of the bankruptcy estate of Sean Dunne, as counsel of record in connection with the above-referenced petitions for writ of certiorari, with respect to which the Court, on March 19, 2024, requested responses by April 18, 2024. The above-referenced petitions each seek review of the same decision of the United States Court of Appeals for the Second Circuit (*Coan v. Dunne*, No. 21-2012, 2023 WL 7103275 (2d Cir. Oct. 27, 2023)). Pursuant to Rule 15.3 and Rule 30.4, I write to request a 29-day extension, to May 17, 2024, of the time to respond to the petitions. Respondent Trustee Coan and Trustee's counsel Timothy D. Miltenberger have authorized the filing of this request. Petitioner Sean Dunne (No. 23-818) does not object to this request. Petitioner Gayle Killelea (No. 23-721) does object to this request.

There is good cause for the extension in light of the following considerations. First, as noted above, Respondent must seek approval from the bankruptcy court of my retention as counsel of record for Respondent in these matters; Respondent has initiated the process of seeking such approval. Second, as newly-retained counsel, additional time is needed to review the questions raised by the petitions and the relevant, and voluminous, lower-court briefing and record materials. Finally, an extension is necessary in light of the multiple prior commitments that the attorneys representing Respondent have in other matters. Such commitments include work preparing a response to the petition for certiorari in *Home Depot U.S.A., Inc. v. Blue Cross Blue Shield Ass'n*, No. 23-1063 (and possible responses to one or more additional petitions for certiorari that may be filed in the coming days that relate to the Eleventh Circuit decision that is the subject of the *Home Depot* petition), as well as work

Cooper & Kirk
Lawyers

Honorable Scott S. Harris
Clerk of the Supreme Court of the United States
March 29, 2024
Page 2 of 2

preparing replies in support of certiorari in two cases, *Bianchi v. Brown*, No. 23-863, and *Harrel v. Raoul*, No. 23-877. Counsel also have briefing deadlines in several other matters in the coming weeks, including a post-trial reply brief in *A.M.C. v. Smith*, No. 20-cv-240 (M.D. Tenn.), due April 8, 2024, and an appellant's brief in *Viramontes v. Cook County*, No. 24-1437 (7th Cir.), due May 1, 2024. Counsel for Respondent are also currently heavily engaged in discovery in *Brigida v. Buttigieg*, No. 16-2227 (D.D.C.), and *Harrel v. Raoul*, No. 23-cv-141 (S.D. Ill.). Finally, in late April and early May, undersigned Counsel of Record for Respondent has commitments as counsel for a party in a matter that is currently under seal in Nevada state court.

For these reasons, the requested extension is necessary to enable Counsel for Respondent to finalize his retention and to prepare adequate responses to the pending petitions. Respondent therefore respectfully requests an extension of time to respond to the petitions in the above-referenced matters until May 17, 2024.

Dated: March 29, 2024

Respectfully submitted,

Timothy D. Miltenberger
COHN BIRNBAUM & SHEA, P.C.
tmiltenberger@cbshealaw.com
City Place II, 15th Floor
185 Asylum Street
Hartford, CT 06103
(860) 493-2200

Peter Antonelli
PETER ANTONELLI LAW PLLC
pantonelli@antonellifirm.com
One Marina Park Drive
Suite 1410
Boston MA 02110
(617) 807-7288

/s/ Charles J. Cooper
Charles J. Cooper
Counsel of Record
Vincent J. Colatriano
COOPER & KIRK, PLLC
ccooper@cooperkirk.com
1523 New Hampshire Ave., N.W.
Washington, D.C. 20036
(202) 220-9600

*Counsel for Respondent Richard M. Coan,
as Chapter 7 Trustee of the bankruptcy estate of Sean Dunne*