

APP No. 23A546

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IN THE SUPREME COURT OF THE UNITED STATES

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NATIONAL RELIGIOUS BROADCASTERS NONCOMMERCIAL MUSIC LICENSE COMMITTEE,  
*Petitioner,*

v.

COPYRIGHT ROYALTY BOARD AND LIBRARIAN OF CONGRESS,  
*Respondents.*

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On Application for an Extension of Time  
to File Petition for a Writ of Certiorari to the  
United States Court of Appeals for the District of Columbia Circuit

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**PETITIONER'S SECOND APPLICATION TO EXTEND TIME  
TO FILE PETITION FOR WRIT OF CERTIORARI**

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## **Corporate Disclosure Statement**

Pursuant to Supreme Court Rule 29.6, Petitioner National Religious Broadcasters Noncommercial Music License Committee (NRBNMLC) states that nothing has changed in the Corporate Disclosure Statement included in its first Application to Extend Time to File Petition for Writ of Certiorari.

To the Honorable John G. Roberts, Jr., as Circuit Justice for the United States Court of Appeals for the District of Columbia Circuit:

Pursuant to this Court's Rules 13.5, 22, 30.2, and 30.3, Petitioner NRBNMLC respectfully requests that the time to file its Petition for Writ of Certiorari in this matter be extended for an additional 29 days up to and including February 23, 2024. On December 15, 2023, this Court granted Petitioner's Application to Extend Time to File a Petition for Writ of Certiorari extending the deadline to January 25, 2024. Petitioner is filing this Application more than ten days before that date. See S. Ct. R. 13.5. This Court would have jurisdiction over the judgment under 28 U.S.C. 1254(1). Respondents do not object to NRBNMLC's request.

#### **Reasons For Granting An Extension Of Time**

The time to file a Petition for a Writ of Certiorari should be extended for an additional 29 days for the following reasons:

1. Petitioner's Counsel of Record, John J. Bursch, was not actively involved in the litigation below until preparation of the petition for rehearing en banc. Due to other obligations, it has taken Mr. Bursch longer than anticipated to familiarize himself fully with the substantial record in order to prepare a concise petition of maximum helpfulness to the Court. In addition to the Christmas holiday and scheduled time away from the office, Mr. Bursch has had numerous litigation deadlines in the weeks leading up to and immediately following the current deadline as follows:

- Oral argument on December 8, 2023, before the U.S. Court of Appeals for the Fourth Circuit, *Planned Parenthood South Atlantic v. Kerr*, Case No. 21-1043.
- A reply brief on December 18, 2023, in the U.S. Court of Appeals for the First Circuit, *L.M. v. Town of Middleborough*, Case Nos. 23-1535, 23-1645.
- An amicus brief on December 18, 2023, in the U.S. Court of Appeals for the Tenth Circuit, *Poe v. Drummond*, Case No. 23-5110.
- An answering brief on December 20, 2023, in the U.S. Court of Appeals for the Ninth Circuit, *Roe v. Critchfield*, Case No. 23-2807.
- A reply brief on December 21, 2023, in the U.S. Court of Appeals for the Ninth Circuit, *Damiano v. Grants Pass School District No. 7*, Case No. 23-35288.
- A reply brief on December 21, 2023, in the U.S. Court of Appeals for the Sixth Circuit, *Christian Healthcare Centers v. Nessel*, Case No. 23-1769.
- An amicus brief on December 22, 2023, in the U.S. Court of Appeals for the Sixth Circuit, *Gore v. Lee*, Case No. 23-5669.
- A reply brief on January 5, 2024, in the U.S. Court of Appeals for the Sixth Circuit, *Sacred Heart of Jesus Parish v. Nessel*, Case No. 23-1781.
- An opening brief on January 11, 2024, in the U.S. Court of Appeals for the Ninth Circuit, *Bates v. Pakseresht*, Case No. 23-4169.

2. A short extension of an additional 29 days will not cause prejudice to

Respondents.

## Conclusion

For the foregoing reasons, Petitioner respectfully requests that the time to file the Petition for a Writ of Certiorari in this matter be extended 29 days, up to and including February 23, 2024.

Respectfully submitted.

*s/ John J. Bursch* \_\_\_\_\_

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CERTIFICATE OF SERVICE

A copy of this application was served by email and U.S. mail to the counsel listed below in accordance with Supreme Court Rule 22.2 and 29.3:

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*s/ John J. Bursch* \_\_\_\_\_  
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