

August 29, 2024

Scott S. Harris, Clerk
United States Supreme Court
One First Street, N.E.
Washington, DC 20543

Re: *Bourque, et al. v. Engineers and Architects Association, et al.*, No. 24-2

Dear Mr. Harris,

On behalf of Petitioner Camille Bourque, I respectfully oppose the request for a 30-day extension of time to file a brief in opposition submitted by Adam Kornetsky on behalf of Respondent Engineers and Architects Association (EAA), as such an extension would unfairly prejudice Ms. Bourque's Petition from receiving a timely consideration by the Court:

First, waiving the initial right to respond in petitions concerning the same or similar subject-matter addressing post-*Janus* enforcement issues as this Petition appears to be part of a concerted strategy by Bush Gottlieb, the law firm representing EAA, and their co-counsel in anticipation of the Court not calling for a response or in an effort to delay subsequent filing dates. *See, e.g., Laird v. United Teachers Los Angeles, et al.*, No. 23-1111 (S. Ct.).

Second, the only reason there has been any delay in the filing of the opposition, and need to shift it to a later date, is because Bush Gottlieb waived their initial right to respond to the Petition. Had Bush Gottlieb not waived their right to respond, their opposition would have been due no later than August 2, 2024, and created no supposed conflict for Mr. Kornetsky. The fact that a supposed conflict now exists due to Bush Gottlieb's own decision, is not a proper basis for an extension.

Third, filing the opposition brief according to the current schedule is not only possible for Bush Gottlieb, but should have been anticipated. The Ninth Circuit opinion in this matter was issued on April 2, 2024, and the Petition was filed, without extension, on July 1, 2024. Bush Gottlieb and Mr. Kornetsky have long been on notice of this Petition, and the need to prepare an opposition. Also, as co-counsel in the *Laird* case cited above, in which Bush Gottlieb also waived the right to respond and a response was nonetheless requested by the Court, made it even more predictable a response would be called for here. In any event, Bush Gottlieb has twenty-four licensed attorneys available to help prepare EAA's opposition brief, many of which, unlike Mr. Kornetsky, are already members of the Supreme Court Bar. Lack of notice or sufficient resources is not a proper basis for an extension.

Fourth, there appears to be a material factual impossibility asserted by Mr. Kornetsky in his request. Specifically, he fails to explain how he can be both unavailable due to both a pre-booked honeymoon from August 30 to September 15, and simultaneously supposedly scheduled for jury duty in Los Angeles beginning on Labor Day, a federal holiday in which California courts are closed, and assumedly running to September 6. Due to his other plans, Mr. Kornetsky should easily have been eligible for a deferral upon request simple request. Having voluntarily elected to serve, however, it strains credulity to accept he could not also prepare and file EAA's opposition in a timely manner, or in the alternative, arrange for a qualified colleague to do so. Mr. Kornetsky's purported conflicts are not a proper basis for an extension.

Thank you for your assistance. By copy of this letter, I am also serving counsel of record for all parties in this matter.

Respectfully Submitted,



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