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November 19, 2024

Honorable Scott S. Harris
Clerk of Court
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543

Re: *Meta Platforms, Inc., fka*
Facebook, Inc. v. DZ Reserve, et al., No. 24-384
Opposition to Respondents' Extension Request

Dear Mr. Harris:

I am writing on behalf of petitioner Meta Platforms, Inc. (“Meta”) in the above-referenced matter to oppose respondents’ request for an extension of time to file their response to the petition for a writ of certiorari. The petition was filed on October 2, 2024, and the response is currently due on December 9, 2024—*i.e.*, 68 days after Meta filed its petition. Respondents now seek an additional 30 days for filing the response, which would give them more than *three months* to draft their submission. Granting that request would preclude this Court from hearing the case this Term.

The decision below raises important questions of class action law implicating stark divisions among the circuit courts as to the proper standard for class certification in consumer fraud cases and the level of deference to be given to district court decisions certifying class actions. The Chamber of Commerce of the United States of America has filed an amicus brief stressing the nationwide importance of this case and urging review.

For months, respondents have had every reason to know that Meta would be seeking certiorari. The Ninth Circuit’s decision was issued on March 21, 2024. Meta filed a petition for rehearing en banc, emphasizing the circuit splits on these issues. After the Ninth Circuit denied further review, Meta noted its intention to file a petition for certiorari on August 14, 2024, when it moved the Ninth Circuit for a stay of its mandate. Meta then timely filed and served the petition on October 2, 2024.

Respondents then waited nearly the full 30 days—until October 31—before waiving their right to respond to the petition. Within two days of receiving the waiver, Meta’s counsel emailed respondents’ counsel of record, explaining that Meta would likely *not* consent to any request to extend the deadline for a response (if the

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Court called for one), given its desire to have the case heard this Term. On November 6, the petition was distributed to the Justices, and two days later the Court called for a response, due December 9. That deadline gives respondents *68 days* after the petition was filed to prepare the response. Crucially, it ensures that the Court can consider Meta's petition at its January 10, 2025 conference and set the case for argument this Term if certiorari is granted.

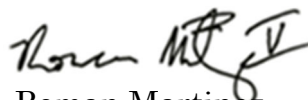
Granting the extension requested by respondents' counsel, however, would postpone the opposition until January 8, 2025; delay consideration of the petition until the February 21, 2025 conference; and push any oral argument to October or November 2025 (if review is granted). The extension could thus postpone this Court's ultimate resolution of Meta's case by up to a year.

These considerations weigh strongly against granting the 30-day extension request, especially given respondents' delay in filing the waiver. *See* Stephen M. Shapiro et al., *Supreme Court Practice* § 6.37(c) (11th ed. 2019) (noting circumstances weighing against extension include "the possibility that the request comes at a late period in the term so that an extension would delay the Court's consideration of the case until the following term"); *see also, e.g., Ohio State Univ. v. Snyder-Hill*, No. 22-896 (May 10, 2024) (denying extension request in similar circumstances).

Counsel for respondents have failed to point to unusual circumstances that would warrant the requested extension. Although we appreciate Mr. Graber's work and family obligations, respondents are represented by a prominent law firm, Cohen Milstein Sellers & Toll PLLC, that has longstanding familiarity with the case, dating back to August 2018 when they first filed the action. Respondents were also represented by at least five attorneys in their briefing before the Ninth Circuit, including two other partners at the firm.

To be clear, undersigned counsel generally appreciates the value of extensions, and ordinarily would consent to an extension as a matter of courtesy. Meta's opposition here stems entirely from the fact that the requested extension would unduly delay this Court's consideration of its case on the merits. Undersigned counsel sought to make these points clear to respondents as soon as possible after receiving their waiver, so as to avoid any inconvenience to respondents.

Respectfully submitted,



Roman Martinez
LATHAM & WATKINS LLP
Counsel of Record for Petitioner

cc: Geoffrey Graber
Counsel for Respondents