



U.S. Department of Justice

Office of the Solicitor General

The Solicitor General

Washington, D.C. 20530

February 2, 2018

Honorable Scott S. Harris
Clerk
Supreme Court of the United States
Washington, D.C. 20543

National Restaurant Association, et al. v. Department of Labor, et al.,
No. 16-920

Dear Mr. Harris:

The petition for a writ of certiorari in the above-captioned case was filed on January 19, 2017, and placed on the Court's docket on January 24, 2017. The government's response is currently due, on six extensions, on February 7, 2018.

We respectfully request, under Rule 30.4 of the Rules of this Court, a further extension to and including April 9, 2018, within which to file the government's response. On December 5, 2017, the Department of Labor published a notice of proposed rulemaking that proposes rescinding the regulatory provisions that petitioners challenge in this case and to which the court of appeals granted *Chevron* deference. See 82 Fed. Reg. 57,395, 57,397-57,399. The Department of Labor subsequently extended the public comment period to February 5, 2018. 82 Fed. Reg. 59,562 (Dec. 15, 2017). The requested extension is warranted to allow the government to account adequately for the ongoing rulemaking process in its certiorari-stage response.

Counsel for petitioners does not object to this further extension of time.

Sincerely,

Noel J. Francisco
Solicitor General

cc: See Attached Service List

16-0920

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