



U.S. Department of Justice

Office of the Solicitor General

The Solicitor General

Washington, D.C. 20530

April 9, 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 seven extensions, on April 9, 2018.

We respectfully request, under Rule 30.4 of the Rules of this Court, a further extension to and including May 9, 2018, within which to file the government's response. On December 5, 2017, the Department of Labor (Department) published a notice of proposed rulemaking that proposed 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 subsequently extended the public-comment period. 82 Fed. Reg. 59,562 (Dec. 15, 2017). On March 23, 2018, Congress both amended the underlying statutory provision to which the regulatory provisions at issue in this case pertain (29 U.S.C. 203(m)) and specified that portions of those regulations "shall have no further force or effect" until future action by the Department. See Consolidated Appropriations Act, 2018, Pub. L. No. 115-141, Div. S, § 1201(a) and (c). The requested extension is warranted to allow the government to assess and account for those recent statutory changes 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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