

Charles G. Cole
202 429 6270
ccole@steptoe.com

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com



June 5, 2018

Denise McNerney, Merits Clerk
Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543

Re: *BNSF Railway Company v. Michael D. Loos*, No. 17-1042

Dear Ms. McNerney:

Pursuant to Rule 30.4, I am writing to request that the time for filing the initial briefs for both the Petitioner, BNSF Railway Company, and the Respondent, Michael D. Loos, each be extended by twenty-two (22) days. Counsel of record for Respondent, Michael A. Wolff, concurs in this request.

There are several reasons for this extension. First, it will allow all parties to obtain the Court's decision in No. 17-530, *Wisconsin Central Ltd. v. United States* while preparing their merits briefs in this case. While the issues are distinct, the Court's decision in *Wisconsin Central* could shed light on the analytical framework. Second, the principal authors of the BNSF brief, Ms. Loughran and myself, face other briefing obligations, including a complex tax brief in the Ninth Circuit and a merits brief in the Texas Supreme Court. Third, the parties have agreed that Respondent Loos should have the equivalent amount of time for his brief.

Certiorari was granted in this case on May 14, 2018, and Petitioner's brief on the merits is currently due on June 28, 2018. If the requested extension is granted, Petitioner's brief would be due on July 20, 2018 and Respondent's brief would be due on September 10, 2018.

Thank you for your assistance in this matter.

Sincerely,

/s/ Charles G. Cole
Charles G. Cole
Counsel of Record for BNSF Railway Company

cc: Michael A. Wolff, Counsel for Respondent (*via email*)