

August 27, 2018

Hon. Scott S. Harris, Clerk
Supreme Court of the United States
1 First Street, N.E.
Washington, DC 20543

Re: Carpenter v. Murphy, No. 17-1107 (capital case)
Opposition to Request for Extension of Time

Dear Mr. Harris:

Petitioner respectfully opposes the unilateral extension request filed by respondent today. The following briefing schedule was jointly negotiated and agreed by counsel on May 23, 2018:

Petitioner's Brief: July 23, 2018
Respondent's Brief: September 7, 2018
Petitioner's Reply: October 19, 2018

The Court granted this schedule for the opening briefs on June 20, 2018. Petitioner accordingly plans to seek the Court's consent to the agreed reply date upon calendaring of oral argument.

A two-week extension for respondent's brief would unfairly prejudice petitioner. Respondent's counsel requested a due date of September 7 to accommodate Jewish observances in September, beginning with Rosh Hashanah on September 9. As a result, respondent asked petitioner to correspondingly accelerate filing of petitioner's opening brief to accommodate this schedule and to provide equal time for both sides. Petitioner agreed and filed its opening brief on schedule. Petitioner respectfully requests that respondent likewise be held to the agreed-upon schedule.

Moreover, the requested extension would postpone petitioner's reply until early November, which overlaps with counsel's scheduled argument in *BNSF Railway Co. v. Loos*, No. 17-1042, on November 6, 2018. Counsel also has made other briefing commitments in reliance on the current schedule, including submissions due in September and October in this Court and numerous circuit courts.

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Respondent's only justification for the additional extension is "the convenience of Respondent and its amici," which was respondent's justification for requesting the current September 7 due date. Under the existing schedule, respondent will have had 109 days to prepare his brief since certiorari was granted.

Sincerely,



Lisa S. Blatt

Cc: Counsel of record for respondent (via email)