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April 4, 2018

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

Re: *Apodaca v. Raemisch*, No. 17-1284, & *Lowe v. Raemisch*, No. 17-1289—
Application under Supreme Court Rule 30.4 to Extend the Time to File a
Brief in Opposition

Dear Mr. Harris:

This office represents the Respondents in the above-captioned cases. The cases are related: they involve the same issue and were both decided by the 10th Circuit Court of Appeals in companion cases. *See Lowe v. Raemisch*, 864 F.3d 1205, 1209 (10th Cir. 2017) (citing *Apodaca v. Raemisch*, 864 F.3d 1071 (10th Cir. 2017)).

Under Supreme Court Rule 15.3, the initial deadlines for filing briefs in opposition to the petitions for writs of certiorari are April 23, 2018, in *Lowe* and April 27, 2018, in *Apodaca*. Under Supreme Court Rule 30.4, I write to request an extension, up to and including June 22, 2018, within which to file a single brief in opposition to both petitions. That would be a 60-day extension in *Lowe*, and a 56-day extension in *Apodaca*.

This extension is necessary for the following reasons. First, additional counsel will be participating in drafting and filing the brief in opposition and more time is required to adequately prepare the brief and respond to the issues raised. Second, counsel for Respondents are currently litigating various matters before the Tenth Circuit Court of Appeals, the Colorado Supreme Court, and the Colorado Court of Appeals. Due to briefing and other deadlines in those matters, counsel require the extension to ensure adequate time and attention may be paid to the issue raised in the Petitions. Finally, the extension will permit counsel to prepare a single brief in opposition responding to both Petitions, which will serve judicial economy.

Counsel for Respondents has conferred with counsel of record for Petitioners, who does not object to the requested extension.

In compliance with Supreme Court Rule 29, enclosed is a separate proof of service evidencing service of this letter on counsel for Petitioner. Thank you for your attention to this matter.

Sincerely,

FOR THE ATTORNEY GENERAL

/s/ Frederick R. Yarger

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In the Supreme Court of the United States

JONATHAN APODACA, ET AL., AND DONNIE LOWE

Petitioners,

v.

RICK RAEMISCH, ET AL.

Respondents.

**Application to Extend Time to File
Brief in Opposition to the
Petition for Certiorari**

Proof of Service Under Supreme Court Rule 29.3

I certify that on April 4, 2018, I served on counsel for Jonathan Apodaca, et al., and Donnie Lowe a copy of this *Application under Supreme Court Rule 30.4 to Extend Time to File Brief in Opposition* by sending a copy by U.S. mail, first-class postage prepaid, and by e-mail, to the following address:

Daniel Greenfield
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**Counsel of Record for Respondents Rick
Raemisch, et al.*