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*Via Overnight Mail and Electronic Filing*

Hon. Scott S. Harris  
Clerk of the Court  
Supreme Court of the United States  
One First Street, NE  
Washington, DC 20543-0001

*Re: Wright v. Mays*, No. 17-666

Dear Mr. Harris:

I am counsel of record for Melissa Mays, Michael Mays, Jacqueline Pemberton, Keith John Pemberton, Elnora Carthan, and Rhonda Kelso (collectively “the Mays Respondents”), who are Respondents in the above-entitled case. The petition for writ of *certiorari* was docketed on November 6, 2017, and a brief in opposition would accordingly be due on December 6, 2017. We hereby move for a 60-day extension of time to file our brief in opposition, so that the brief would be due February 4.

Such an extension is justified for the following reasons:

This case stems from the Water Crisis in the City of Flint, Michigan. The Mays Respondents are Flint residents who received harmful drinking water after the defendant state and local officials switched the City’s water source from Lake Huron to the Flint River. The defendant officials include not just Petitioner Wright (the Genesee County Drain Commissioner), but also Michigan’s Governor and former Treasurer, several officials from Michigan’s Department of Health and Human Services and Department of Environmental Quality, a number of former emergency managers and other officials of the City of Flint, and the City itself. The Mays Respondents sued those defendants under 42 U.S.C. § 1983 for violating their constitutional rights. The District Court for the Eastern District of Michigan dismissed this action on the ground that the federal Safe Drinking Water Act foreclosed the Mays Respondents’ constitutional claims. In a unanimous decision, a panel of the Sixth Circuit reversed and allowed the claims to proceed. The full court denied a petition for rehearing *en banc* on September 21, 2017.

Petitions for *certiorari* from the Sixth Circuit’s judgment are not due until December 20—a date that falls two weeks *after* the current due date for our brief in opposition. Although Petitioner Wright filed his cert. petition more than six weeks before it was due, the other defendants who lost in the court of appeals—who were

represented by several different sets of counsel below—could file their own petitions at any point up to December 20. In the interest of proceeding in an orderly manner, we believe that the due date for filing the brief in opposition to Wright’s petition should be extended until after all of the cert. petitions from the Sixth Circuit’s judgment are due.

Although a 30-day extension (to January 5, 2018) would give us approximately two weeks to review any cert. petitions filed on December 20 before filing the brief in opposition, that period overlaps with the Winter holidays, during which I have two pre-planned trips. Accordingly, we request a 60-day extension, to February 4.

If you have any questions regarding this matter, please contact me at the phone number above.

Thank you for your assistance.

Sincerely,

/s/ Samuel R. Bagenstos

Samuel R. Bagenstos  
Counsel of Record for the Mays Respondents