

SOUTHERN ENVIRONMENTAL LAW CENTER

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July 1, 2019

VIA ELECTRONIC FILING AND FEDERAL EXPRESS

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

Attn: Jeffrey Atkins, Esq.

Re: *U.S. Forest Serv., et al. v. Cowpasture River Pres. Ass'n, et al.*, No. 18-1584;
Atlantic Coast Pipeline, LLC v. Cowpasture River Pres. Ass'n, et al., No. 18-1587

Dear Mr. Harris:

We represent respondents Cowpasture River Preservation Association, Highlanders for Responsible Development, Shenandoah Valley Battlefields Foundation, Shenandoah Valley Network, Sierra Club, Virginia Wilderness Committee, and Wild Virginia, Inc. in the above-captioned cases.

On June 25, 2019, Atlantic Coast Pipeline, LLC and the United States filed separate petitions for a writ of certiorari. The petition in No. 18-1584 was docketed on June 26, 2019; the petition in No. 18-1587 was docketed on June 27, 2019. Without an extension, a brief in opposition in No. 18-1584 would be due on July 26, 2019, and a brief in opposition in No. 18-1587 would be due on July 29, 2019. Pursuant to this Court's Rule 30.4, we write to request an extension of time to file a consolidated brief in opposition in both cases, to and including August 28, 2019. That would require an extension of 33 days in No. 18-1584 and an extension of 30 days in No. 18-1587. An extension is appropriate for the following reasons.

First, multiple parties filed *amicus* briefs in support of petitioners' motions for rehearing before the Fourth Circuit, and respondents reasonably anticipate *amicus* briefs will be submitted in support of these petitions, which would be due on the same dates as respondents' opposition brief currently would be due. An extension would permit respondents to prepare a consolidated response to all anticipated briefs.

Second, due to counsel's workload and pressing deadlines in other matters, additional time is required to thoroughly research and prepare a response on behalf of our clients. During the 30-day period currently provided for their opposition brief, counsel from the Southern Environmental Law Center will be engaged in other federal and state litigation, including a compressed discovery schedule for six consolidated complex administrative challenges in the

North Carolina Office of Administrative Hearings, as well as managing other federal and state administrative deadlines. The extension also is requested to accommodate the travel and vacation schedules of co-counsel who are assisting with preparation of the opposition brief.

This requested extension will not delay the Court's consideration of the petitions for certiorari, as the cases will be scheduled for conference on October 1 in either event.

Accordingly, we respectfully request an extension, to and including August 28, 2019, within which to file a consolidated brief in opposition to the petitions for a writ of certiorari.

Sincerely,



Austin D. Gerken, Jr.
Senior Attorney
Southern Environmental Law Center

Counsel for Respondents

cc: See Attached Service List