

November 21, 2018

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

RE: *Joel Doe, et al. v. Boyertown Area School District, et al.*
(No. 18-658)

Dear Mr. Harris:



National Office
125 Broad Street, 18th floor
New York NY 10004
(212) 549-2500
aclu.org

On behalf of all Respondents, I write to request a 30-day extension of time within which to file Respondents' brief in opposition to the petition for writ of certiorari from December 21, 2018 to January 21, 2019.

Respondents seek this extension in light of counsel's competing professional and personal obligations. Counsel for Respondent Pennsylvania Youth Congress Foundation is working on significant briefs including: (1) an appeal in *Board of Managers of Modern 23 Condominium v. 350-52 West 23, LLC*, Index No. 651463/2015, to be perfected in the New York Appellate Division by December 3; (2) an appellate brief in *Vanderklok v. United States*, No. 18-2151 (3d Cir.), due December 4; (3) an appellate brief in *Campbell v. Pennsylvania School Boards Assoc.*, No. 18-3112 (3d Cir.), due December 17; (4) a reply brief in *Adejimi v. Attorney General*, No. 18-2664 (3d Cir.), due December 13; (5) an opposition brief in *Keohane v. Jones*, No. 18-14096 (11th Cir.), due December 19; and (6) a reply brief in *Tahari v. 860 Fifth Avenue, LLC*, Index No. 654702/18 (N.Y. Sup. Ct. Bronx Cty.), due December 19. Counsel is attached for trial in *Fischer v. Haney*, No. 170101862 (Ct. Com. Pl. Phila. Cty.), beginning December 10 and anticipated to last ten trial days. Additionally, counsel is engaged in expedited discovery in *Dumont v. Lyon*, No. 2:17-cv-13080 (E.D. Mich.), a constitutional challenge to the State of Michigan's practice of permitting state-funded child placement agencies to use religious criteria to turn away lesbian and gay prospective foster and adoptive parents.

Counsel for Respondent Boyertown Area School District, Michael I. Levin and David W. Brown, also face significant competing professional obligations. They are working on comprehensive briefs including: (1) a motion for summary judgment, due December 17, in *Levy v. Mahanoy Area School Dist.*, No. 3:17-cv-1734 (M.D. Pa.); (2) an appellate brief in *Campbell v. Pa. School Boards Assoc.*, No. 18-3112 (3d Cir.); and (3) an arbitration brief in *Deitrick v. BLAST Intermediate*

Unit. Counsel will also be taking depositions in the matters of *Smith v. Warwick School Dist.*, WCAIS No. 7778693 (Pa. DOL) and *Levy, supra*; participating in a two-day hearing in the matter of *Campbell v. Pa. School Boards Assoc.*, No. 18-cv-892-JD (E.D. Pa.) on December 6 and 7; as well as representing clients in several hearings, including three arbitrations, at least four employee investigative hearings, a public hearing on the closing of a middle school, and labor negotiations.

These and other previously scheduled engagements and personal and professional commitments, including the Thanksgiving holiday, during the initial 30-day response period would make it difficult for counsel to prepare the response in this case.

The petition for a writ of certiorari was filed on November 19, 2018, following a 26-day extension granted by Justice Alito (Docket No. 18A397).

Thank you for your attention to this matter.

Respectfully,



Ria Tabacco Mar
Counsel for Respondent
Pennsylvania Youth Congress
Foundation

CC: John J. Bursch, Counsel for Petitioners
Michael I. Levin, Counsel for Respondents Boyertown Area
School District
Jeffrey Atkins, Deputy Clerk
Danny Bickell, Deputy Clerk

