



Wilson Sonsini Goodrich & Rosati
Professional Corporation
1700 K Street NW
Fifth Floor
Washington, D.C. 20006-3817
O: 202.973.8800
F: 202.973.8899

September 1, 2020

Via Electronic Filing and Email

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

Re: *Small v. Memphis Light, Gas & Water, No. 19-1388*

Dear Mr. Harris:

I am counsel of record for the petitioner, Jason Small, in the above-captioned case. I write in response to respondent's request for a 30-day extension of time to file its brief in opposition.

Respondent's requested extension would delay the distribution of the petition from October 7, 2020, per the court-ordered September 18 deadline for the brief in opposition, to November 4. This delay is significant because another petition raising the same question is set for distribution on September 16 (No. 19-1461, *Mitche A. Dalberiste v. GLE Associates, Inc.*), and it may be helpful to the Court to consider these petitions together.

In addition, the COVID-related reasons cited by respondent—"limited in-office staff and limited access to certain records"—are generic and equally applicable to petitioner's counsel. Moreover, the scheduling conflicts that respondent claims (but never identifies) could have been avoided if respondent had simply sought a reasonable extension from the original July 20

Scott Harris
Clerk of the Court
Supreme Court of the United States
September 1, 2020
Page 2

deadline for filing the brief in opposition. If the extension is granted, respondent will have had four months to prepare the brief in opposition.

If the Court is nevertheless inclined to grant respondent additional time, any extension should not be permitted to interfere with the Court's timely consideration of the petition together with *Dalberiste*, and should be limited to at the very most 28 days (to and including October 16, 2020), to ensure that Petitioner's time to prepare a reply is not shortened.

Sincerely,

Steffen N. Johnson
Counsel for Petitioner

cc: Rodrick D. Holmes (Counsel for Respondent)