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January 24, 2020

File No. 37986.1125

(Via Overnight Mail & Electronic Filing)
Supreme Court of the
United States
1 First Street NE
Washington, DC 20543

Re: U.S. Supreme Court No. 19-849
Kristanalea Dyroff, Individually and on Behalf of the Estate of Wesley Greer, Petitioner v. The Ultimate Software Group, Inc., Respondent
On Petition for a Writ of Certiorari to the Ninth Circuit Court of Appeals
Re: Application for Extension of Time to File Brief
in Response to Petition for Writ of Certiorari

To the Clerk of the United States Supreme Court:

Respondent The Ultimate Software Group¹ respectfully requests an extension of time of forty-five days to file its brief in response to Petitioners' Petition for a Writ of Certiorari, which was filed in this Court on January 2, 2020 and docketed on January

¹ Pursuant to Supreme Court Rule 29.6, Respondent The Ultimate Software Group, Inc. does not have a parent corporation. As of September 10, 2018, Janus Henderson Group PLC holds a ten percent interest in The Ultimate Software Group, Inc.

6, 2020. Respondent's response is currently due on February 5, 2020. Respondent requests a forty-five day extension to March 23, 2020.

On January 2, 2020, Petitioner Kristanalea Dyroff filed a Petition for a Writ of Certiorari together with an appendix containing 64 pages. Petitioner received a forty-five day extension from November 18, 2019, to January 2, 2020, from this Court to file her Petition for Writ of Certiorari. Respondent seeks the same forty-five day extension for its response. Eric Schnapper, counsel of record for Petitioner, indicated that he consents to this extension request.

Additional time is needed to prepare the opposition brief in part because I recently underwent major surgery on January 15, 2020. This health event has adversely affected my ability to complete the response brief by the present deadline.

Additionally, prior to my surgery I was busy finalizing several appellate briefs. I drafted a respondent's brief in *Wright v. Kaiser Permanent Medical Center* (Cal. Court of Appeal, First Appellate District No. A157091), which was filed on January 8, 2020, and an appellant's reply brief in *McChesney v. The People of the State of California* (Cal. Court of Appeal, Second Appellate District No. B295879), which was filed on January 13, 2020. I also helped prepare an Answer to a Petition for Review in *Ensemble Real Estate Service v. San Antonio Community Hospital* (Cal. S. Ct. No. S242250), which was filed on January 21, 2020, a respondent's brief in *Hernandez v.*

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Skybox Imaging, Inc. et al. (Cal. Court of Appeal, Sixth Appellate District No. H046076), which was filed on January 22, 2016, and a respondent's brief in *Ko v. Maxim Healthcare Services, Inc., et al.* (Cal. Court of Appeal, Second Appellate District No. B293672), which was filed on January 23, 2020.

Over the next month, I also have several other appellate deadlines. I have an appellee's answering brief in *Strojnik v. Pasadena Robles Acquisition LLC dba Hilton Pasadena* (Ninth Cir. No. 19-56037) due on January 27, 2020. I also have oral argument scheduled in *Elliott v. Connect the Dots* (Cal. Court of Appeal, Second Appellate District No. B290888) on February 19, 2020. Finally, I have an answering brief due in *Utility Courier Service v. Hudson Ins. Co.* (9th Cir. No. 19-56168) on February 10, 2020.

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A forty-five day extension will allow Respondent time to complete the response brief, give the client time to review and provide comments and will allow Respondent time to properly print the brief according to Supreme Court Rules.

Thank you.

Very truly yours,

/s/ Jeffry A. Miller

Jeffry A. Miller of
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cc:

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