



SIDLEY AUSTIN LLP  
1501 K STREET, N.W.  
WASHINGTON, D.C. 20005  
+1 202 736 8000  
+1 202 736 8711 FAX

AMERICA • ASIA PACIFIC • EUROPE

+1 202 736 8013  
PZIDLICKY@SIDLEY.COM

May 4, 2021

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

Re: *North American Meat Institute v. Rob Bonta, Attorney General of California, et al.*, No. 20-1215

Dear Mr. Harris:

The State respondents in this matter previously waived any response to the petition for certiorari that the North American Meat Institute (“NAMI”) filed on February 26, 2021. On April 22, 2021, this Court directed both the state respondents and the private respondent-intervenors to file a response to the petition no later than May 24, 2021. The state respondents now move for a 30-day extension of time to file their response, “up to and including Wednesday, June 23, 2021.” NAMI opposes the requested extension or any other extension of the briefing schedule.

First, time is of the essence. NAMI is seeking review of the denial of a preliminary injunction against a California law (Proposition 12) that bans imported veal and pork products from the California market unless out-of-state farmers house their animals in the manner dictated by California. As discussed in NAMI’s petition, these requirements impose massive burdens on interstate and foreign commerce in pork and veal, including by requiring thousands of small farmers across the Nation to either reconstruct their existing facilities to comply with Proposition 12 or suffer exclusion from the California market. Proposition 12’s requirements for veal calves are already in effect and causing substantial harm, and the requirements for breeding sows take effect on January 1, 2022. The extension sought by state respondents would delay resolution of the petition until the end of the summer recess. NAMI submits that the petition should be decided as soon as possible, to allow the Court, if it grants review, to resolve the case at the earliest possible date.

Second, respondents made a strategic decision to waive their response to the petition. The Court having now called for a response, respondents should not be permitted to gain an unfair advantage by further delaying resolution of the petition until after the Court has recessed for the summer. *See* Stephen M. Shapiro, *et al.*, *Supreme Court Practice* § 6.37(C) (10th ed. 2013) (“If a respondent seeks an extension that would push consideration of the case to the long conference at the end of the summer recess . . . the Clerk may suspect strategic

# SIDLEY

May 4, 2021

Page 2

behavior and, absent the petitioner's consent, limit any extension to allow the petition to be considered in June.”).

Finally, while NAMI appreciates counsel's other obligations, respondents have been afforded ample time to prepare a response to the petition. The petition was filed on February 26, 2021, and the amicus brief of 20 States supporting NAMI's petition was filed on March 29, 2021. The current due date for respondents' brief in opposition—May 24, 2021—thus affords respondents almost three months since the filing of the petition and almost two months since the filing of the States' amicus brief. Respondents have thus already received the functional equivalent of a 50-plus-day extension from the original April 2, 2021 due date.

For these reasons, NAMI respectfully requests that the extension motion be denied.

Sincerely,

*/s/Paul J. Zidlicky*

Paul J. Zidlicky

*Counsel for Petitioner*

cc: Samuel T. Harbourt  
Bruce Andrew Wagman