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May 5, 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 North American Meat Institute (“NAMI”) submits this response to the extension request filed by the private respondent-intervenors earlier today. NAMI opposes the extension request for the same reasons set forth in NAMI’s letter of May 4, 2021, opposing the state respondents’ extension request, which are incorporated herein by reference.

Respondent-intervenors suggest the urgency of this matter is “artificial.” Far from it. As NAMI showed below and in its petition, Proposition 12 massively burdens interstate and foreign commerce in pork and veal products, including by requiring farmers throughout the Nation and abroad to spend hundreds of millions of dollars reconstructing their existing facilities to satisfy California’s dictates or else suffer exclusion from the California market. Proposition 12’s requirements for veal calves are already in effect and causing substantial, ongoing harm; and the requirements for breeding sows take effect on January 1, 2022. Granting respondents’ extension requests—which respondent-intervenors concede would delay resolution of the petition until the long conference in September—would compound the ongoing and impending harms of California’s unconstitutional regulatory overreach.

NAMI has diligently pursued relief in this Court by filing its certiorari petition in February—approximately three months before it was due. Had respondents sought and obtained a 30-day extension of their original April 2, 2021 deadline to respond, their briefs in opposition would have been due earlier this week. Respondents instead made the strategic decision to waive their response to the petition—which is supported by 20 States—and now seek an additional 30-day extension of time when the Court requested a response. Respondents should not be granted an extension that would further leverage their strategic decision to waive a response and thereby prejudicially delay timely resolution of the petition in this time-sensitive matter.

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Sincerely,

*/s/Paul J. Zidlicky*

Paul J. Zidlicky  
*Counsel for Petitioner*

cc: Samuel T. Harbourt  
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