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February 6, 2022

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

Re: *Brysk v. Herskovitz*, No. 21-1024

Dear Mr. Harris:

This letter is submitted on behalf of Marvin Gerber who has been a party plaintiff in the case that is the subject of the above-referenced Petition for a Writ of Certiorari since its inception and who was an appellant in the Court of Appeals. *Gerber v. Herskovitz*, 14 F.4th 500 (6th Cir. 2021).

On behalf of Mr. Gerber I applied on January 14, 2022, to Justice Kavanaugh and was granted an extension of time to April 1, 2022, for the filing of a petition for a writ of certiorari. *Gerber v. Herskovitz*, No. 21A329.

On January 19, 2022, counsel for Ms. Brysk, who was a co-plaintiff, filed the Petition for a Writ of Certiorari No. 21-1024. On February 2, 2022, the respondents filed waivers of the right to respond.

Mr. Gerber intends to file a petition for a writ of certiorari to review the same Court of Appeals decision that is the subject of No. 21-1024. I will do so on his behalf within the time extended by Justice Kavanaugh.

There is no prejudice to the respondents from the extension of time in the Court's consideration of issues presented by the decision of the Court of Appeals because, as I indicated in my application to Justice Kavanaugh, the decision of the Court of Appeals that is the subject of No. 21-1024 directs the entry of final judgment dismissing the lawsuit brought by Mr. Gerber and Ms. Brysk.

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This letter is being submitted to advise your Office in case it is relevant in determining when to distribute the Petition in No. 21-1024 to the Court for Conference, and to advise the Court in case the Justices deem it relevant to a disposition.

I would appreciate it if you would circulate this letter to the Members of the Court.

Respectfully yours,

A handwritten signature in blue ink, appearing to read "Nathan Lewin / all". The signature is fluid and cursive, with a large "N" and "L".

Nathan Lewin

cc: Marc M. Susselman, Esq.
John A. Shea, Esq.