

In the Supreme Court of the United States

JOHN H. MERRILL,
IN HIS OFFICIAL CAPACITY AS THE ALABAMA SECRETARY OF STATE, *et al.*,
Appellants,

v.

EVAN MILLIGAN, *et al.*,
Appellees.

JOHN H. MERRILL,
IN HIS OFFICIAL CAPACITY AS THE ALABAMA SECRETARY OF STATE, *et al.*,
Petitioners,

v.

MARCUS CASTER, *et al.*,
Respondents.

UNOPPOSED APPLICATION TO EXCEED WORD LIMITS

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CORPORATE DISCLOSURE STATEMENT

Per Supreme Court Rule 29.6, Petitioners state that they have no parent company or publicly held company with a 10% or greater ownership interest in it.

Pursuant to Rules 22 and 33.1(d), Appellants/Petitioners (“Appellants”) respectfully request leave to file a brief on the merits in excess of the word limit, not to exceed 18,000 words, and a reply brief on the merits in excess of the word limit, not to exceed 10,000 words.

1. On January 28, 2022, Appellants filed applications for a stay or injunctive relief pending appeal in two cases—*John H. Merrill, Alabama Secretary of State, et al. v. Evan Milligan, et al.*, No. 21-1086, and *John H. Merrill, Alabama Secretary of State, et al. v. Marcus Caster, et al.*, No. 21-1087—related to preliminary injunctions that had been entered by districts courts in both cases based on the same evidence.

2. On February 7, 2022, the Court in *Milligan* construed the application as a jurisdictional statement and noted probable jurisdiction. That same day, the Court in *Caster* construed the application as a petition for a writ of certiorari before judgment and granted the petition.

3. On February 22, 2022, the Court consolidated the cases for briefing and oral argument and set the same question presented for both cases.

4. In these consolidated cases, Appellants intend to file a single brief on the merits and a single reply. Consolidation will prevent needless duplication in addressing the question presented and other issues the cases have in common.

5. Though both cases result from the same preliminary injunction proceedings, the *Milligan* Appellees and *Caster* Respondents have already demonstrated in their separate stay-stage briefs that their statutory arguments are not identical,

emphasizing different arguments and portions of the record. Moreover, the *Milligan* Appellees and *Caster* Respondents—who filed separate complaints and litigated separate preliminary injunction motions before the district courts, and who are represented by separate counsel—have indicated that they intend to file separate response briefs.

6. To adequately and efficiently address the issues presented in these cases, Appellants respectfully request leave to file an opening brief not to exceed 18,000 words, and a reply brief not to exceed 10,000 words. Notably, these consolidated briefs would require fewer words than if Appellants filed two separate opening briefs (26,000 total words) and two separate reply briefs (12,000 total words).

7. Appellants have conferred with Appellees and Respondents in both cases, who do not oppose Appellants' request.

Respectfully submitted,

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/s/ Edmund G. LaCour Jr.

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