



March 4, 2022

The Honorable Scott S. Harris  
Clerk of the Court  
U.S Supreme Court  
1 First Street, NE  
Washington, DC 20543

Re: *Dr. A. v. Hochul*, No. 21-1143

Dear Mr. Harris,

Respondents have sought a 30-day extension to respond to our petition for a writ of certiorari. Petitioners acknowledge that in the mine run of cases, it is appropriate to allow extensions of time. However, here an extension is not warranted because Petitioners are presently being harmed by Respondents' COVID vaccine mandate and continue to need urgent relief from this Court. Petitioners' November 2021 emergency application explained that, without an injunction against Respondents' mandate, they would face devastating personal, financial, and professional consequences. Since that time, nine Petitioners have been fired, resigned, or lost the hospital admitting privileges that allow them to practice. Five have received vaccinations under protest. One has been forced out of her residency program and faces the end of her career. The harm to Petitioners is acute and ongoing.

Conversely, Respondents have not pointed to any circumstances that would justify further delay. See Sup. Ct. R. 30.4. Respondents have had the opportunity to consider Petitioners' arguments four times in the past five months: in the district court, in the Second Circuit, in the November 2021 emergency application to this Court, and in Petitioners' Second Circuit rehearing petition. Under these circumstances, there is no reason for further delay.

Lastly, Respondents argue that Petitioners will not be prejudiced because it is unlikely that the Court would consider and grant the petition before next Term. On several occasions, however, this Court has recently granted certiorari and accelerated briefing and argument to allow expedited consideration of a case raising particularly urgent claims. See, e.g., *Whole Woman's Health v. Jackson*, No. 21-463 (certiorari granted October 22, briefing concluded October 29, oral argument November 1); *Ramirez v. Collier*, No. 21-5592 (certiorari granted September 8, briefing concluded October 25, oral argument November 9); cf. *National Fed'n of Indep. Bus. v. OSHA*, No. 21A244 (application deferred pending oral argument December 22, briefing concluded January 3, oral argument January 7).

If the Court grants the petition, we are prepared to brief the case on an expedited schedule so that it may be heard at the Court's earliest convenience.

Sincerely,

Thomas Brejcha  
Counsel of Record for Petitioners