



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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September 29, 2021

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

Re: *John K. MacIver Institute for Public Policy, Inc., et al.*
v. Tony Evers
No. 21-0388
Pending Petition for Writ of Certiorari

Dear Mr. Harris:

Pursuant to Rule 30.4, Respondent Tony Evers, Governor of the State of Wisconsin, respectfully requests a 60-day extension of time in which to file his brief in opposition to the above-referenced petition. The brief is currently due October 12, 2021. Granting this extension would make the brief due December 13, 2021 (the sixtieth day, December 11, is a Saturday).

I will be the principal attorney responsible for drafting the brief in opposition. In addition to my ongoing case management obligations in numerous other cases, I am also assigned to several other matters with deadlines that have kept me from being able to work on the brief in opposition, while others will prevent me from turning to this matter much before the requested extended due date. These include trial and appellate briefing in *State of Wisconsin ex rel. Joshua L. Kaul v. Prehn*, Case No. 21-CV-1994 (Dane Cty. Cir. Ct.), and Case No. 2021AP1673 (Wis. Sup. Ct.); preparing and presenting oral argument in *Jones v. Van Lanen*, No. 20-1383, in the United States Court of Appeals for the Seventh Circuit (argued September 15); preparing and presenting oral argument in *Brown v. Kemp*, No. 21-1042, in the United States Court of Appeals for the Seventh Circuit (argued September 27);

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preparing and presenting oral argument in *Friends of the Black River Forest v. Wisconsin Department of Natural Resources*, Case No. 2019AP0299, before the Wisconsin Supreme Court (to be argued October 1); drafting and filing a reply in support of summary judgment in *Wisconsin Manufacturers and Commerce v. Wisconsin Department of Natural Resources*, Case No. 21-CV-0342 (Waukesha Cty. Cir. Ct.); drafting and filing the respondents' brief in *Henderson v. Foster*, Case No. 2020AP0729 (Wis. Ct. App.) (currently due on second extension November 1, 2021); drafting and filing the respondent's brief in *Kohler Co. v. Wisconsin Department of Natural Resources*, Case No. 2021AP1187 (Wis. Ct. App.) (currently due October 22, 2021); drafting and filing the respondent's brief in *Container Life Cycle Management v. Wisconsin Department of Natural Resources*, Case No. 2019AP1007 (Wis. Sup. Ct.) (currently due November 3, 2021); ongoing discovery in *Wisconsin Cottage Foods Association v. Wisconsin Department of Agriculture, Trade and Consumer Protection*, Case No. 21-CV-0013 (Lafayette Cty. Cir. Ct.); ongoing discovery in *Siebers v. Barca*, Case No. 20-CV-1109 (W.D. Wis.); and ongoing discovery and trial preparation in *One Wisconsin Institute v. Thomsen*, Case No. 15-CV-0324 (W.D. Wis.).

In light of these obligations, Respondent requests an extension of time in which to file his brief in opposition to ensure that the responsible attorneys have adequate time to provide the Court with a thorough and responsive brief.

I have contacted counsel of record for Petitioners, Daniel R. Suhr, who consents to the proposed extension of briefing.

I have, electronically and via first-class mail, served a copy of this letter on Petitioners' counsel of record, and hereby certify that all parties required to be served have been served.

Sincerely,



Gabe Johnson-Karp
Assistant Attorney General

GJK:ajw

cc: Daniel R. Suhr/Jeffrey M. Schwab