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September 20, 2021

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

Re: *Joseph A. Kennedy v. Bremerton School District*, No. 21-418

Dear Mr. Harris:

Under Supreme Court Rule 30.4, Respondent Bremerton School District respectfully requests a 50-day extension to file its response to the petition for a writ of certiorari. The response is currently due October 18, so the requested extension would make it due not later than Tuesday, December 7, 2021. Counsel for the petitioner have authorized us to state that petitioner consents to this request. An extension is warranted for several reasons.

First, additional time is needed to prepare a useful and effective brief that adequately presents the issues for the Court's consideration. Respondent anticipates that multiple *amici* will file briefs in support of petitioner, so the additional time will allow respondent's counsel to consider those arguments carefully and respond to them as warranted.

Second, counsel for respondent have significant deadlines and professional commitments in the coming two months, including, among others, *amicus* briefs to be filed in this Court in *Dobbs v. Jackson Women's Health Org.*, No. 19-1392 (due today, September 20) and *Carson v. Makin*, No. 20-1088 (due October 29); a preliminary-injunction hearing set for October 13 in *Sinclair v. Albarran*, No. 5:20-cv-2798 (N.D. Cal.); an *amicus* brief to be filed in *Starkey v. Roman Catholic Archdiocese of Indianapolis*, No. 21-2524 (7th Cir.) (due November 3); summary-judgment briefing in *Fitzgerald v. Roncalli High School*, No. 19-cv-4291 (S.D. Ind.) (due November 22); and a response to another cert. petition to be filed in this Court. As much as possible, counsel had planned the schedules for that work around the petition's due date. Because the petition was filed 33 days before the deadline, what would have been a difficult schedule for the coming months has become an unmanageable one.

Third, given the ongoing COVID-19 pandemic, additional time is necessary. Although the Court revoked its COVID scheduling order, the recent rise in the Delta variant has prevented counsel's scheduled return to the office and is interfering with

the operations of support staff, giving rise to the same difficulties of remote work as were prevalent when the Court's COVID order was in place.

Fourth, the undersigned was recently diagnosed with Lyme Disease and is undergoing treatment for it. As a result of the disease, counsel's ability to work during this period is severely limited.

Finally, there will be no prejudice to anyone if the extension is granted. This case was filed in 2016, and this Court denied certiorari in 2019 on a previous petition seeking review of the denial of a preliminary injunction. The request is for 50 days so that the timing of petitioner's reply will not require petitioner's counsel to work over the holidays. The undersigned affirms that the extension request is not made for purposes of delay and that counsel will work expeditiously to file the response as soon as is practicable.

For all these reasons, respondent's request for a 50-day extension should be granted.

Sincerely,

A handwritten signature in black ink, appearing to read "R. B. Katskee", with a long horizontal flourish extending to the right.

Richard B. Katskee  
*Counsel for Respondent*

cc: Counsel of record