

November 1, 2021

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

Re: National Pork Producers Council, et al. v. Karen
Ross, et al., No. 21-468

Dear Mr. Harris:

Respondent the State of California and private respondents waived their right to respond to the petition for certiorari that the National Pork Producers Council (“NPPC”) and American Farm Bureau Federation (“AFBF”) filed in the above-captioned case on September 27, 2021. On October 19, 2021, this Court directed respondents to file a response to the petition by November 18. The State of California respondents have moved for a 32-day extension of time, up to and including December 20, 2021 (30 days falling on a weekend). Petitioners object to that extension, but would not object to a 29-day extension to December 17, 2021.

Proposition 12, challenged in our petition, goes into effect on January 1, 2022, and will impose hundreds of millions of dollars of additional costs on pork farmers and disrupt the entire national pork market. Petitioners are thus especially concerned that, if certiorari is granted, the case be decided before the end of the 2021 Term. Filing the briefs in opposition on December 17 would allow petitioners—waiving the 14-day reply period—to file a reply on December 29, in time for consideration of the petition at the January 14 conference.

Furthermore, shortening the extension sought by three days will cause respondents no prejudice. The standard 30-day extension is designed to allow a respondent to take into account in its brief in opposition any amicus briefs filed in support of the petition. Here, all amici have indicated to petitioners that they plan to file their briefs in advance of the November 18 due date (and Canadian pork producers filed their amicus brief on October 29th).

A 29-day extension provides ample time for respondents to prepare any opposition, affording respondents nearly twelve weeks since NPPC and AFBF filed their petition for certiorari and more than 30 days after the last amicus brief will have been filed.

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For those reasons, petitioners request that any extension be limited to December 17, 2021.

Sincerely,

/s/ Timothy S. Bishop

Timothy S. Bishop

cc: R. Matthew Wise, Deputy Attorney General, California Department of Justice
Bruce A. Wagman, Riley Safer Holmes & Cancila LLP