

IN THE SUPREME COURT OF THE UNITED STATES

---

No. 21-476

303 CREATIVE LLC, ET AL., PETITIONERS

v.

AUBREY ELENIS, ET AL.

---

ON WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

---

MOTION OF THE UNITED STATES FOR LEAVE TO PARTICIPATE  
IN ORAL ARGUMENT AS AMICUS CURIAE, FOR DIVIDED ARGUMENT,  
AND FOR ENLARGEMENT OF TIME FOR ARGUMENT

---

Pursuant to Rule 28 of the Rules of this Court, the Solicitor General, on behalf of the United States, respectfully moves that the United States be granted leave to participate in the oral argument in this case as an amicus curiae supporting respondents; that the time allotted for oral argument be enlarged to 70 minutes; and that the time be allotted as follows: 35 minutes for petitioners, 20 minutes for respondents, and 15 minutes for the United States. Respondents have consented to this motion, and petitioners do not oppose.

This case presents the question whether and under what circumstances the First Amendment's Free Speech Clause entitles a business to an exemption from a law prohibiting discrimination by places of public accommodation. The United States enforces federal public accommodations laws, including Title II of the Civil Rights Act of 1964, 42 U.S.C. 2000a et seq., and Title III of the Americans with Disabilities Act of 1990, 42 U.S.C. 12181 et seq. The United States also has a substantial interest in preventing discrimination and preserving First Amendment rights.

The United States presented oral argument as amicus curiae in Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission, 138 S. Ct. 1719 (2018), which involved a question similar to the question presented here. More generally, the United States has frequently participated as amicus curiae in cases involving the Free Speech Clause. See, e.g., Shurtleff v. City of Boston, 142 S. Ct. 1583 (2022); City of Austin v. Reagan Nat'l Adver. of Austin, LLC, 142 S. Ct. 1464 (2022); Houston Cmty. Coll. Sys. v. Wilson, 142 S. Ct. 1253 (2022). We therefore believe that the United States' participation at oral argument would materially assist the Court in its consideration of this case.

Respectfully submitted.

ELIZABETH B. PRELOGAR  
Solicitor General  
Counsel of Record

AUGUST 2022