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November 18, 2021
The Honorable Scott S. Harris
Clerk of the Supreme Court
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543

RE: *Air Transport Association of America, Inc. v. Washington Department of Labor & Industries, et al.*, No. 21-627

Dear Mr. Harris:

I am counsel of record for respondents State of Washington Department of Labor & Industries and Joel Sacks, the Department's Director. A response to the cert petition is currently due November 29, 2021.

Pursuant to Rule 30.4, Washington requests a 60-day extension to file a brief in opposition, to January 28, 2022. I have communicated with counsel for petitioners and co-respondents, and neither party objects to the extension.

The primary reason for this request is to accommodate other concurrent deadlines and holiday schedules. Over the next few months, I and my co-counsel for this matter have significant briefing responsibilities for other matters in Washington courts, including briefing at the Washington Supreme Court and ongoing litigation challenging the constitutionality of recent legislation relating to taxes and police use of force. The COVID-19 outbreak also continues to place additional and urgent advice and litigation responsibilities on our office, especially our small Solicitor General Division. This workload includes cases in both federal and state courts challenging various aspects of the State's response to the COVID-19 crisis.

Finally, we do not believe that the extension will cause any delay in the Court's consideration of the petition, given the Court's recent request for the views of the Solicitor General in two other pending petitions addressing similar issues as those presented in this case. Specifically, earlier this week the Court called for the views of the Solicitor General in *California Trucking Ass'n v. Bonta*, No. 21-194 and *Virgin America, Inc. v. Bernstein*, No. 21-260. Like this case, both of those cases address whether federal laws that preempt state laws related to a price, route, or service preempt state laws of general applicability. Notably, the *Virgin America* petition addresses the same federal statute as in this case, and frames the question presented almost exactly as petitioners do here. Thus, we assume this petition is not likely to be considered by the Court before it hears from the Solicitor General.

ATTORNEY GENERAL OF WASHINGTON

The Honorable Scott S. Harris
November 18, 2021
Page 2

Thank you for your consideration of this request.

Sincerely,

s/Noah Purcell
Noah Purcell
Solicitor General
(360) 753-6245

cc: Anton Metlitsky, Counsel for Petitioners
Darin Dalmat and Kathleen Barnard, Counsel for Respondent AFL-CIO