



November 19, 2021

VIA HAND DELIVERY & ELECTRONIC FILING

Hon. Scott S. Harris
Clerk of the Court
Supreme Court of the United States
One First Street, NE
Washington, DC 20543

Re: Request for extension of time to file response to petition
Students for Fair Admissions, Inc. v. University of North Carolina, et al.
S. Ct. No. 21-707

Dear Mr. Harris:

I am counsel of record for Respondent-Students Cecilia Polanco, *et al.*, respondents in the above-captioned case who participated as defendant-intervenors in the proceedings below. The Petition for a Writ of Certiorari Before Judgment in this case was filed by Students for Fair Admissions, Inc. (“SFFA”) on November 11, 2021, and docketed on November 15, 2021. The response to the petition is currently due on December 15, 2021.

Due to other committed work, I respectfully request a 30-day extension of time within which to file a response to the petition. Good cause exists for the requested extension. First, this other work includes filing a response brief due December 3rd in the Fifth Circuit opposing SFFA’s appeal of its unsuccessful challenge to the University of Austin at Texas’s race-conscious policy.¹ I also have upcoming deadlines in cases involving federal and state constitutional issues, including in: *Black Emergency Response Team v. O’Connor*, 5:21-cv-01022-G (W.D. Okla. filed Oct. 19, 2021) (plaintiffs’ reply brief due December 17, 2021); *NAACP-Charlotte Mecklenburg Branch v. Moore*, 20 CVS 5194 (N.C. Sup.Ct. 2020), *appeal docketed*, COA 21-446 (N.C. Ct. App. Aug. 12, 2021) (plaintiffs’ response brief due November 24, 2021). Second, the upcoming holidays pose an additional scheduling conflict with team members scheduled for pre-planned vacations. Third, this case involves a voluminous record and, by SFFA’s own acknowledgment in its Motion to Expedite filed in this case, the “momentous question” of whether to overrule more than forty years of decisions regarding the limited consideration of race in university admissions. Pet’r’s Mot. 2. This will require additional time to fully respond to the issues raised in SFFA’s petition. Fourth, an extension is warranted

¹ SFFA was aware I had scheduling conflicts throughout November as I and co-counsel conferred with SFFA’s same counsel regarding an extension in *SFFA v. University of Texas at Austin* due to other work commitments and counsel did not oppose the extension. *See* Doc. Nos. 00516069627, 00516070610, *Students for Fair Admissions, Inc. v. Univ. of Tex. at Austin*, 1:20-CV-763-RP (W.D. Tex. 2021), *appeal docketed*, No. 21-50715 (5th Cir. Aug. 5, 2021).

given SFFA's unanticipated early submission of a Writ for Certiorari Before Judgment, which was filed one day after the Fourth Circuit docketed the appeal and only seven days following final judgment in the district court.

Respondent-Students have not previously sought any extensions in this matter. Petitioner opposes the requested extension. Thank you for your consideration.

Respectfully submitted,

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

David Hinojosa
Lawyers' Committee for Civil Rights Under Law

For Cecilia Polanco, et al.
Respondent-Students

cc: All counsel of record
By email and by USPS Certified, First Class Mail