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January 27, 2022

By Hand and Electronic Filing

The Honorable Scott S. Harris
Clerk of the Court
United States Supreme Court
One First Street, N.E.
Washington, D.C. 20543

Attn: Danny Bickell, Esq.

Re: *Bierbach v. Digger's Polaris, et al.*, No. 21-998

Dear Mr. Harris:

As counsel of record for petitioner in the above-captioned case, I am writing to notify the Court that, pursuant to Rule 15.5, petitioner hereby waives the 14-day waiting period for the distribution of briefs in this case and requests that the certiorari petition and any other briefs filed in this case be distributed on February 2, 2022, for consideration at conference on February 18.

Respondents filed their brief in opposition on January 25, 2022, which, pursuant to Rule 15.5, ordinarily would result in a distribution date of February 9, for consideration at conference on February 25. Petitioner requests the distribution date of February 2 because the briefs in a related, companion case – *Musta v. Mendota Heights Dental Center, et al.*, No. 21-676, in which the Supreme Court of Minnesota addressed the same question of preemption at issue here and rendered judgment in *Bierbach* for the reasons stated in its *Musta* opinion – are scheduled for distribution on February 2, for consideration at conference on February 18. Petitioner in *Bierbach* intends to file his reply brief on or before February 2, the next possible distribution date, to ensure that his case is considered at the same conference as the petitioner in *Musta*.

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Hon. Scott S. Harris

January 27, 2022

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If you have any questions, please call me at (202) 326-7951.

Very truly yours,

A handwritten signature in blue ink that reads "David C. Frederick". The signature is written in a cursive, flowing style.

David C. Frederick
Counsel of Record for Petitioner

cc: Counsel for Respondents