



December 22, 2022

Submitted Via Electronic Filing & U.S. Mail

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

Re: *Gene Deveraux v. State of Montana*, No. 22-418

Dear Mr. Harris:

Under Supreme Court Rule 30.4, Respondent State of Montana respectfully requests a 30-day extension of time to file a brief in opposition to Petitioner's petition for a writ of certiorari, up to and including February 13, 2023. Petitioner's counsel does not object to this request. Respondent requests an extension for the following two reasons.

First, an extension of time is necessary in light of the Montana Attorney General's Office's other obligations. For example, before the existing deadline or soon thereafter, counsel are scheduled to file an opening brief in *Barrett v. Montana*, No. 22-0586 (Montana Supreme Court), opening brief in *Citizens for Clean Energy v. U.S. Department of the Interior*, No 22-35790 (9th Cir.) (Intervenor-Appellant), statement of reasons in *Montana v. Bureau of Land Management*, No. 2023-48 (Interior Board of Land Appeals), and responsive pleading in *Randall v. Montana*, No. 22-95-ADV (Montana 1st Judicial District). And counsels' holiday travel arrangements and commitments will further impair their ability to research and draft a brief in opposition.

Second, the requested extension will not prejudice the petitioner, who sought and obtained a similar extension of time to file his petition for a writ of certiorari. Rather, the extension will enable Respondents to prepare a brief that fully and concisely responds to the issue raised in the petition.

For these reasons, Respondent requests that the Clerk grant a 30-day extension of time, up to and including February 13, 2022, to file a brief in opposition to the petition for certiorari.

DEPARTMENT OF JUSTICE

215 North Sanders
PO Box 201401
Helena, MT 59620-1401

(406) 444-2026
Contactdoj@mt.gov
mtdoj.gov

Respectfully Submitted,

AUSTIN KNUDSEN
Attorney General

CHRISTIAN B. CORRIGAN
Solicitor General

/s/ Kathleen L. Smithgall

KATHLEEN L. SMITHGALL

PETER M. TORSTENSEN, JR.

Assistant Solicitors General

MONTANA DEPARTMENT OF JUSTICE

215 North Sanders

Helena, MT 59602

Christian.Corrigan@mt.gov

Kathleen.Smithgall@mt.gov

Peter.Torstensen@mt.gov

(406) 444-2026

cc: Fred A. Rowley, Jr. (Counsel of Record for Petitioner)