

February 2, 2023

*Via Electronic Filing*

Danny Bickel  
Clerk of the Court  
Supreme Court of the United States  
One First Street, NE  
Washington, DC 20543

Re: No. 22-510, *Jody Lombardo, et al. v. City of St. Louis, et al.*

Dear Mr. Bickel:

I am counsel of record for the petitioners in this case, and I write to partially oppose the respondents' request for a 60-day extension of time in which to file their brief in opposition, which is currently due February 8, 2023. The petitioners have no objection to a 30-day extension of time, to March 10, 2023, but they oppose any request beyond that.

The petition in this case was filed on November 28, 2022, and the respondents waited until December 28, 2022 to waive their response. A 30-day extension would result in a deadline that is more than 100 days after the filing of the petition, and it would ensure that the Court could consider the petition at its April 14th conference. Were the full 60 days granted, however, the petition could not be considered until the May 18th conference.

The respondents have provided no justification for a 60-day extension. They assert that counsel need time to review the record below, but the petition was filed over two months ago, and the court of appeals' decision is just 12 pages long. Further, although the respondents had every right to file a waiver, the Court's call for a response could hardly have been a surprise: Two Terms ago, the Court granted certiorari in this very case, summarily vacated the court of appeals' decision, and remanded the case—with three Justices writing separately to explain that they would have granted plenary review. *See Lombardo v. City of St. Louis*, 141 S. Ct. 2239 (2021). Following this Court's remand, the court of appeals then rendered the same judgment as before. The respondents also cite the press of business, but they give no examples of any upcoming deadlines—only past deadlines—and thus give no reason why they cannot prepare an adequate brief by March 10.

Sincerely,



Jonathan E. Taylor

cc: Counsel of Record