



ATTORNEY GENERAL OF WASHINGTON

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May 10, 2023

Honorable Scott S. Harris
Clerk of the Supreme Court
Supreme Court of the United States
1 First Street NE
Washington, D.C. 20543

RE: *Brian Tingley v. Robert W. Ferguson, Attorney General of Washington, et al.*, No. 22-942

Dear Mr. Harris:

I am counsel of record for Respondents Robert W. Ferguson, Attorney General of Washington; Umair A. Shah, Washington Secretary of Health; and Sasha De Leon, Assistant Secretary of the Washington Department of Health, in the above-captioned case. The Court has called for a response to the petition for certiorari and set the deadline for the brief in opposition as June 5, 2023.

Pursuant to Rule 30.4, Washington requests a 30-day extension to file a brief in opposition, to July 5, 2023. Counsel for Petitioner objects to the extension.

This request for additional time is made to accommodate other concurrent deadlines, particularly briefing and argument in multiple cases by the attorneys assigned to this matter. Our Office has a very small team trained in handling U.S. Supreme Court matters, and every member of that team is exceptionally busy in the weeks ahead. On top of my normal workload overseeing our Office's appellate practice in all courts, I am leading the defense of several recently enacted Washington statutes that have been challenged in state and federal court, with preliminary injunction briefing deadlines in May and June. I am also coordinating our Office's work in two important lawsuits against the federal government with deadlines in May and June. Meanwhile, Deputy Solicitor General Cristina Sepe, who led this case in the Ninth Circuit, is preparing for trial June 5-9 defending Washington's enacted legislative redistricting plan against claims of racial gerrymandering and under the Voting Rights Act, as well as leading the defense in the Washington Court of Appeals in June of a Washington campaign finance statute being challenged under the First Amendment and Section 230 of the Communications Decency Act. The final member of our team, Deputy Solicitor General Peter Gonick, is leading the briefing to the Washington Supreme Court in May and June of a case defending the state's competency evaluation and treatment process. This is in addition to our responsibilities of reviewing appellate briefs for others, providing client advice, and various other duties.

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Specific aspects of this case also support our request. In particular, our need to coordinate with the Intervenor to avoid redundancy, and our need to read and incorporate any responses to the thirteen amicus briefs supporting certiorari will require extra time.

We respectfully submit that the requested extension will allow sufficient time for our office to provide a more thorough and helpful response to the Court.

Thank you for your consideration of this request.

Sincerely,

Noah G. Purcell

Noah G. Purcell
Solicitor General, State of Washington

cc: John J. Bursch, Counsel for Petitioner Brian Tingley
Adam G. Unikowsky, Counsel for Intervenor Equal Rights Washington