



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 write in response to the objection to our request for extension filed by Petitioner's counsel. Notably absent from Petitioner's objection is any argument or evidence that their client will be prejudiced in any way by granting the requested extension, while the State's counsel have extensively documented the difficulties our small Supreme Court team faces with the current deadline. Petitioner claims that our allegedly "strategic waiver" should somehow be punished, but their own objection makes clear that they made a "strategic" decision to file the petition early in order to have it considered at a particular conference. The rules certainly allow them to do that, but the rules also allow respondents to waive a reply, as the State did here and does routinely; indeed, the rules do not require a response at all. And the rules also allow a request for extension of time to respond to a petition. Absent some urgent need to resolve the matter—utterly lacking here—there is no reason why filing early should create a right to consideration at a particular time. Thank you for considering our 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