

IN THE
Supreme Court of the United States

FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO,

Applicant,

v.

CENTRO DE PERIODISMO INVESTIGATIVO, INC.,

Respondent.

ON APPLICATION FOR EXTENSION OF TIME
TO FILE REPLY BRIEF ON THE MERITS

**APPLICATION FOR EXTENSION OF TIME
TO FILE REPLY BRIEF ON THE MERITS**

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To the Honorable Ketanji Brown Jackson, as Circuit Justice for the United States Court of Appeals for the First Circuit:

Pursuant to this Court’s Rules 22, 30.2, and 30.3, Applicant the Financial Oversight and Management Board for Puerto Rico (the “Board”) respectfully requests that the time to file its reply brief on the merits be extended by four days, to the next permissible filing date, which is January 3, 2023. Because of the timing of oral argument, the Board would have only eleven days to submit a reply under the current schedule (with one of those days being Christmas). Respondent represented that it opposes the requested extension but did not provide a basis for its opposition.

BACKGROUND

This case raises important questions concerning sovereign immunity and the standard for finding that Congress abrogated that immunity. The Board filed and served its opening brief on the merits on November 17, 2022. Respondent’s brief on the merits is due on December 19. *See* S. Ct. R. 25.2.

Under this Court’s rules, the Board would normally have thirty days, or until January 18, 2023, to file and serve its reply. *See* S. Ct. R. 25.3. The Court has scheduled argument for January 11, however, which shortens the Board’s deadline to January 1, 2023 (ten days before argument). *See id.* January 1 falls on a Sunday, which means that the Board must submit its reply by the previous Friday, December 30, to comply with Rule 25.3—only eleven days after it will receive Respondent’s brief and only three days after it will receive briefs from any amici curiae supporting Respondent. *See* S. Ct. R. 37.3.

RELIEF REQUESTED

The Board respectfully requests a four-day extension, until January 3, 2023, to file and serve its reply. Good cause exists for the requested extension.

First, under the current schedule, the Board will have only eleven days to file and serve its reply, which is significantly less than the thirty days ordinarily provided under the Court's rules. *See* S. Ct. R. 25.3. That eleven-day period includes the Christmas holidays. The requested extension would increase the Board's time to fifteen days, which is still only half the normal allotment for such briefs.

Second, based on Respondent's brief in opposition to the petition for certiorari, the Board anticipates that Respondent's answering brief will raise additional complex issues beyond those addressed in the Board's opening brief. The Board respectfully submits that the extra four days are necessary to allow the Board to draft a reply that comprehensively and concisely addresses all of the arguments that will be raised in Respondent's answering brief and briefs submitted by amici.

Third, the requested extension will not significantly shorten the Court's and Respondent's time to review the Board's reply in preparation for argument. The requested four-day extension amounts to an extension of only one business day because January 3, 2023, is the next permissible filing day after December 30, 2022. With the requested extension, the Board's reply would be submitted eight days before oral argument.

CONCLUSION

For the foregoing reasons, the Board respectfully requests that the time to file and serve its reply brief on the merits be extended by four days, until January 3, 2023.

Dated: December 14, 2022

Respectfully submitted,

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