No. 164, Original

In the Supreme Court of the United States

STATE OF IOWA AND STATE OF MONTANA,

Plaintiffs,

v.

STATE OF ARIZONA; STATE OF CALIFORNIA; STATE OF COLORADO; STATE OF CONNECTICUT; COMMONWEALTH OF MASSACHUSETTS; STATE OF MINNESOTA; STATE OF NEVADA; STATE OF NEW JERSEY; STATE OF NEW MEXICO; STATE OF NEW YORK; STATE OF OREGON; AND STATE OF WASHINGTON,

Defendants.

On Motion for Leave to File a Bill of Complaint

REPLY IN SUPPORT OF MOTION TO EXPEDITE CONSIDERATION OF THE MOTION FOR LEAVE TO FILE A BILL OF COMPLAINT AND, IF LEAVE IS GRANTED, CONSIDERATION OF THE COMPLAINT

Respondent States' arguments against expedition lack merit. It is unrealistic to suggest that there is no deadline in June, 2027; the terms of the deal (including putting best efforts into closing, the financing, various covenants) are linked to that date. That either party could walk away beyond that date means there is no merger *deal* beyond that date, destroying the value to consumers and Plaintiff States' economies. It is true a merger *could* still occur, but it would be after negotiating a *different* deal, the pro-competitive benefits of which cannot be assessed or assumed. Respondent States suggest that "[t]he Court regularly grants cases in January that it resolves in or before early June," and submit that there is "no reason why that is not possible here," Opp. to Mot. at 5, but the reason is patent: this is an *original* jurisdiction case that will require the Court to make findings of facts and conclusions of law. Such cases regularly stretch across multiple terms, to say nothing of five months. To be sure, this Court is capable of proceeding expeditiously, but there is no good reason to exacerbate the time pressure.

Next, Respondent States dig a pit by denying that Plaintiff States have "sovereign or quasi-sovereign interests," Opp. to Mot. at 8, but it is Respondent States that will fall into it. Plaintiff States invoke *the same* interests as Respondent States in the welfare of their economies and wellbeing of their consumers. There is no substantial difference between Nevada's and Montana's interests here, nor Iowa's and Connecticut's. One set of States seeks to protect its citizens and economies by fighting what it believes to be an anti-competitive merger; the other seeks to protect its citizens and economies by advocating for what it thinks is a pro-competitive merger. The sovereign interests in protecting the "economy" of each state are the same. *Georgia v. Pennsylvania R.R. Co.,* 324 U.S. 439, 447 (1945). The only difference is that Plaintiff States' judgment of the effects of the merger align with 68 other antitrust regulators' views worldwide, while Respondent States' judgment is an extreme outlier.

Almost as notable as what they do argue is what they do not: Respondent States never suggest that they would have any difficulty briefing the case on the expedited timeline suggested in the Motion. Since even Respondent States tacitly agree that the burdens of expedition are slight, the modest acceleration to the timeline should be granted.

CONCLUSION

The Court should grant the Motion to Expedite Consideration of the Motion for Leave to File a Bill of Complaint, setting Defendant States' deadline to respond for September 15, 2026, and distributing the case for the October 9, 2026 conference.

Respectfully submitted,

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