

April 4, 2024

Hon. Scott S. Harris  
Clerk of the Court  
Supreme Court of the United States  
1 First Street, NE  
Washington, DC 20543

RE: Request for Extension of Time to File Response to Petition  
*Food and Drug Administration v. Wages and White Lion Investments, L.L.C. dba  
Triton Distribution, et al.*  
S. Ct. No. 23-1038

Dear Mr. Harris:

Petitioner filed its petition for a writ of certiorari in the above-referenced case on March 19, 2024. Pursuant to Supreme Court Rule 15.3, a response is currently due on April 18, 2024. Pursuant to Supreme Court Rule 30.4, I write to request an extension up to and including May 17, 2024, for Respondents to file a response to the petition for a writ of certiorari.

This is Respondents' first request for an extension of time to file a response. Good cause exists for the requested extension, as since the petition for writ of certiorari was filed on March 19, 2024, the undersigned had a deadline of March 26, 2024, to file a motion to dismiss in *NJOY, LLC v. Imiracle (HK) Limited*, Case No. 3:23-cv-00397-BAS, JLB, in the United States District Court for the Southern District of California, has had multiple discovery-related deadlines for multiple respondents in an ongoing unfair import practices investigation pursuant to 19 U.S.C. § 1337 before the United States International Trade Commission, *In re Certain Disposable Vaporizer Devices and Components and Packaging Thereof*, Investigation No. 337-TA-1381, and, on April 1, 2024, presented oral argument to the United States Court of Appeals for the Federal Circuit in *VPR Brands, L.P. v. Shenzhen Weiboli Technology Co., Ltd.*, Case No. 23-1544.

Additionally, the undersigned has multiple upcoming competing deadlines in other matters, including a deadline of May 8, 2024, to file petitioners' opening brief in *Shenzhen Youme Information Technology Co., Ltd. v. Food and Drug Administration*, Case No. 24-60060, in the United States Court of Appeals for the Fifth Circuit, and a deadline of May 17, 2024, to file petitioners' opening brief in *Shenzhen IVPS Technology Co., Ltd. v. Food and Drug Administration*, Case No. 24-60032, in the United States Court of Appeals for the Fifth Circuit, as well as multiple corporate representative depositions throughout the month of May in *In re Certain Disposable Vaporizer Devices and Components and Packaging Thereof*, Investigation No. 337-TA-1381.

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Given these circumstances, the undersigned respectfully submits that good cause exists for the requested extension up to and including May 17, 2024, to file a response to the petition for a writ of certiorari.

Respectfully submitted,

/s/ Eric N. Heyer

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**CERTIFICATE OF SERVICE**

I, Eric N. Heyer, a member of the Bar of the United States Supreme Court, hereby certify that on April 4, 2024, as required by Supreme Court Rule 29.3, I caused a copy of the foregoing Motion under Supreme Court Rule 30.4 to Extend Time to File Response to Petition to be served via email and overnight delivery upon the following:

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