

January 14, 2025

BY ELECTRONIC FILING

Hon. Scott S. Harris
Clerk of the Court
Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543

Re: *Stephen B. Grant, on Behalf of the United States and the State of Iowa v. Steven Zorn, et al.*, No. 24-549

Dear Mr. Harris:

We represent Respondents, Steven Zorn, Iowa Sleep Disorders Center, P.C., and Iowa CPAP, L.L.C., in the above-captioned case. The response was initially due on January 10, 2025. At Respondents' request, this Court extended the time for filing the response by 30 days, to February 10, 2025. We respectfully request that the time to file a response be extended by an additional 30 days, to and including March 12, 2025. This extension will permit the Petition in this case to be considered alongside a petition that Respondents intend to file from the same judgment on or before February 6, 2025. It will also permit Respondents to file a consolidated brief in opposition to this Petition and any petition that the United States files in this matter. Counsel for Petitioner has indicated that Petitioner consents to this request.

In the decision below, the Eighth Circuit found that a nearly \$8 million False Claims Act judgment in this case violated the Excessive Fines Clause when the government had been overbilled just over \$80,000. After the panel issued its decision, the United States intervened to seek en banc review. The United States has sought an extension of time to file a petition on that issue in this Court, and United States' petition for certiorari is currently due on February 6, 2025. *See United States v. Zorn*, No. 24A627 (U.S. Jan. 3, 2025).

An additional 30 days would allow counsel to file a single brief in opposition, should the United States petition from this case. In these circumstances, this Court's normal practice is to grant extensions to permit the respondents to avoid conflicting deadlines and file a single response to multiple petitions from the same judgment. *See, e.g., Busch v. Guertin*, No. 19-350 (U.S. Oct. 17, 2019). An extension would also mean that all petitions from the judgment below can be conferenced together, as the due date for Respondents to file a cert petition is February 6, 2025, the same date the United States' petition is currently due. Respondents' petition will ask this Court

to resolve a circuit split regarding the application of the False Claims Act's public disclosure bar, the resolution of which would allow the Court to avoid the constitutional question in this case.

The extension is further warranted because counsel responsible for the brief recently has been and will be occupied with briefing deadlines and oral argument in a variety of matters. These include: a reply brief in *Epic Games, Inc. v. Google LLC*, No. 24-6256 (9th Cir.), due on January 17, 2025; oral argument before this Court in *Barnes v. Felix*, No. 23-1239 (U.S.), on January 22, 2025; an appellant brief in *Avient Corporation v. Westlake Vinyls, Inc.*, No. 24-05989 (6th Cir.), due on January 29, 2025; oral argument before the Ninth Circuit in *Epic Games, Inc. v. Google LLC*, No. 24-6256 (9th Cir.), on February 3, 2025; and oral argument before the Sixth Circuit in *Insight Terminal Solutions v. Cecelia Financial Management*, No. 24-05222 (6th Cir.), on February 6, 2025.

Given these considerations, an extension of time is warranted to permit counsel to prepare a single response that fully analyzes and responds to the arguments raised in Respondent's and the potential United States' petitions for certiorari, and to permit all petitions from the same judgment to be considered together.

Respectfully submitted,

/s/ Jessica L. Ellsworth
Jessica L. Ellsworth

Counsel for Respondents

cc: Adam D. Zenor, Zenor Law Firm, P.L.C.
Hon. Elizabeth Prelogar, Solicitor General (by email)
Hon. Brenna Bird, Attorney General of Iowa (by email)