

PHIL WEISER
Attorney General
NATALIE HANLON LEH
Chief Deputy Attorney General

SHANNON STEVENSON
Solicitor General

TANJA WHEELER
Associate Chief Deputy Attorney
General



STATE OF COLORADO
DEPARTMENT OF LAW

RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000

Office of the Attorney General

December 15, 2025

Via electronic filing

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

RE: *St. Mary Catholic Parish, et al., v. Lisa Roy, et al.*, No. 25-581
Response to Petitioners' Letter of December 12, 2025

Dear Mr. Harris:

I am counsel of record to all respondents in the above-captioned case. I write in response to Petitioners' letter to the Clerk dated December 12, 2025, requesting that the Court order Respondents to file a Brief in Opposition on January 5, 2026—twenty-one days from today and encompassing the heart of the holiday season.

Petitioners' request is both premature and procedurally improper.

First, the Court has not called for a response to the pending petition for certiorari and may not ultimately do so. Among other things, the petition raises issues that the Court has recently declined to hear. *E.g., Cathy's Creations v. Civil Rights Dep't*, No. 25-233 (Dec. 8, 2025); *We the Patriots USA, Inc. v. Conn. Office of Early Childhood Development*, 144 S. Ct. 2682 (2024).

In any event, Petitioners' request is procedurally improper. Petitioners filed their writ of certiorari in this case on November 13, 2025, which was then docketed November 17, 2025. Petitioners did not move for expedited review when filing their petition, nor have they sought expedited review at any level below. *Cf.* Motion to Expedite Consideration of the Petition for a Writ of Certiorari Before Judgment and to Expedite Consideration of this Motion, *Whole Woman's Health v. Jackson*, No. 21-463 (Sept. 23, 2021). Petitioners instead waited until after Respondents filed a waiver of their Brief in Opposition on December 12, 2025—in advance of the deadline plainly permitted by Supreme Court Rules 15.3 and 15.5.

Respondents typically receive 30 days to file a Brief in Opposition upon receiving a call for response and are permitted to request an extension of that time. Sup. Ct. R. 15.1, 15.3, 30.2, 30.4; *see also Tingley v. Washington*, No. 22-942 (May 12, 2023) (granting 30-day of extension of time to file Brief in Opposition after calling for response). While undersigned counsel is aware that the Court has, on occasion, only partially granted a request for an *extension* of the standard 30-day deadline for filing a requested response, counsel is aware of no precedent for Petitioners' request for a *reduction* of that time for filing. Nor did Petitioner identify any such precedent.

Moreover, Petitioners' claim of emergency has no basis in fact. Petitioner preschools incorrectly assert that they could not participate in the Universal Preschool Program (the "Program") in the 2026-27 school year if this Court were to grant certiorari and hear this case next term. A school may join the Program at any point during the academic year. Further, the record reflects that Petitioners Daniel and Lisa Sheley do not have a child who will be four years old in September 2026 and therefore do not have a child who will be eligible to participate in the Program for the 2026-27 school year. Amended Complaint at ¶ 33, *St. Mary Catholic Parish in Littleton v. Roy*, No. 1:23-cv-2079-JLK (Sept. 13, 2023).

Even if this Court were to call for a response to the petition for certiorari, granting Petitioners' request would require the preparation of a Brief in Opposition on a shortened timetable over two holidays during which Respondents' office is closed. Petitioners did not seek expedited review, and they offer neither authority nor adequate reason for imposing such an undue burden upon Respondents. Should this Court call for a response to the petition for certiorari, Respondents request that it do so in the normal course, providing Respondents with 30 days to file its Brief in Opposition, with the option to request an extension of that 30-day period.

Sincerely,
/s/ Helen Norton
Deputy Solicitor General
Counsel of Record for Respondents

cc: Counsel for Petitioners