

December 15, 2025

Via hand delivery and electronic filing

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

Re: *St. Mary Catholic Parish, et al., v. Lisa Roy, et al.*, No. 25-581

Dear Mr. Harris:

Earlier today, Respondents filed a response to Petitioners' December 12 letter that contains two material factual errors.

First, Respondents claim 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 [UPK Colorado] for the 2026-27 school year." That is incorrect. The Sheleys have a child already enrolled in Petitioner St. Mary's preschool who will turn four in September 2026, making the child eligible for UPK Colorado funding in the 2026-27 school year—but for enrollment in a Catholic preschool. See Pet. 8; Amended Complaint at ¶ 33, *St. Mary Catholic Parish v. Roy*, No. 1:23-cv-2079-JLK (Sept. 13, 2023) ("Plaintiffs also have * * * [an] (almost) one-year-old who will attend St. Mary's preschool.").

Second, Respondents are wrong that Petitioners have not "sought expedited review at any level below." Shortly after filing suit, Petitioners sought a preliminary injunction, Pet.App.173a, and relief "before the end of the year." Tenth Circuit Appendix at 2.App.0567-68, *St. Mary Catholic Parish v. Roy*, No. 24-1267 (transcript of Sept. 21, 2023 status conference). Petitioners did not seek emergency relief from this Court because the primary harm Petitioners seek to avoid is yet another year of exclusion from UPK Colorado. Pushing this case to October Term 2026 will result in *at least* six to nine more months of exclusion from UPK. And most parents will decide where to enroll before the 2026-2027 school year starts.

Respondents were served the Petition on November 13; ordering a response by January 5 will give them a total of 53 days with the Petition. Should the Court call for a response, Petitioners urge the Court to grant their modest request so the Court has the opportunity to hear this case this Term.

Respectfully submitted,

/s/ Eric C. Rassbach
Eric C. Rassbach
Counsel for Petitioners