



September 23, 2026

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Hon. Scott S. Harris
Clerk of the Court
Supreme Court of the United States
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Re: *Daniel Grand v. City of University Heights, Ohio, et al.*, No. 25-965

Dear Mr. Harris:

Petitioner Daniel Grand files this letter in opposition to the motion to amend the briefing schedule that Respondents (“the City”) filed on September 21.¹ This Court should not reset the briefing schedule just because the City thinks there is a legal issue Mr. Grand did not address—based on facts entirely immaterial to the question presented—in the opening brief. That is what response briefs are for.

The City has not filed a “motion to dismiss as moot” nor even a “suggestion” that the *case* is moot under Rule 21.2(b). It focuses only on one possible *remedy*—injunctive relief—and hypothesizes that this *remedy* might not be available. The reason the City cannot suggest the *case* is moot is that (a) Mr. Grand’s complaint seeks damages; (b) damages are a suitable remedy for the variety of harms catalogued in the opening brief; and (c) all his legal claims are very much alive.

Instead, the City merely characterizes the sale of Mr. Grand’s home as a “significant development.” Mot. 1. But Mr. Grand’s change of residence is immaterial to the question presented: whether *Williamson County*’s finality requirement displaces the rules that ordinarily determine when First Amendment and religious-liberty claims are ripe for judicial review. The answer to that question—which ripeness rule prevails—does not depend on what remedies Mr. Grand will seek, years from now, after prevailing on a particular legal claim. The finality rule is about whether a plaintiff can *sue at all* before the land-use process has run its course. The City offers no reason why the answer to the question presented would ever be: Yes, the finality requirement applies to claims for

¹ The City appears to be treating this as a letter motion under Rule 30.4, and we treat it accordingly.

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damages, but not for an injunction. Or vice versa. (The City does not even explain which way the distinction would cut.)

It is, therefore, unsurprising that no party has ever suggested that the choice of remedy would affect the answer to the question presented. Nor did either court below. Neither party at the cert. stage said a word distinguishing one remedy versus the other. Nor did any of the cases on either side of the circuit split turn on which remedy was sought.

Since that distinction never mattered to the categorical finality rule the Sixth Circuit applied, it is odd to now suggest it important that Mr. Grand supposedly made “no mention of damages or ‘retrospective relief’” in the lower courts. Mot. 2. For one thing, Mr. Grand’s eventual form of remedy made no difference, since the City has never disputed his standing to bring any of these claims. For another, Mr. Grand has pursued retrospective relief and damages throughout this case. The complaint explicitly requested multiple forms of money damages. J.A.96. And Mr. Grand’s summary-judgment and Sixth Circuit briefing repeatedly emphasized the *past* harms he suffered (including paying hundreds of dollars in filing fees and hiring an attorney) and the ways in which the City had *violated* (past tense) his rights under the Constitution and RLUIPA. *See, e.g.*, D. Ct. Dkt. 81 at 1, 12-14, 17-18, 21-25, 28; C.A.6 Dkt. 32 at 3-4, 10-12, 30-34. These are all harms for which money damages are the presumptively appropriate remedy. The City acknowledged as much by invoking qualified immunity—a defense that applies only to damages. D. Ct. Dkt. 79 at 20-21. There has never been any doubt that Mr. Grand seeks damages. And that Mr. Grand finally moved after years of torment—to a comparable home just across city lines—to spare his family from further retaliation only increases his damages.

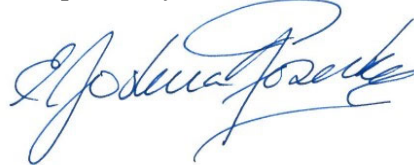
Given all this, the City’s proposed modification to the negotiated briefing schedule is unjustified and unfair to Mr. Grand. Mr. Grand does not need another brief to tell the Court what impact his change of residence has on the question presented; the answer is none. If the City has an argument why that is wrong, it is free to make the argument in its response brief, just as respondents always do when they believe a petitioner has failed to address a point in the opening brief. But the City does not need to restart the clock to layer that argument into that brief, nor even another 14 days. Under the schedule it negotiated, the City has 24 days left on the clock. Anything Mr. Grand says in reply, the City can address at oral argument, like every respondent does. And in the implausible event that

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the reply so fundamentally changes the playing field as to inflict prejudice, the City is free to move to submit a sur-reply at that point.

By contrast, the City's extraordinary request would give it nearly 11 weeks to draft a response brief (from the filing of Mr. Grand's opening brief) and leave Mr. Grand only two weeks for a reply. There is no justification for such a prejudicial departure from the established briefing schedule and normal process to address a factual development that neither moots the case nor has any bearing on the question presented. The Court should deny the City's motion.

Respectfully submitted,



E. Joshua Rosenkranz