



C A L I F O R N I A

DEPARTMENT OF JUSTICE

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By Electronic Filing

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

RE: Request for extension of time to file brief in opposition to petitions for certiorari in *Kentucky, et al. v. EPA, et al.* (No. 26-277) and *Chamber of Commerce, et al. v. EPA, et al.* (No. 26-298)

Dear Mr. Harris:

This office represents the State of California in these two cases. The petition for certiorari in *Chamber of Commerce v. EPA*, No. 26-298, was filed on August 28, 2026, and responses were originally due on October 8. The petition for certiorari in *Kentucky v. EPA*, No. 26-277, was filed on August 28, 2026, and responses were originally due on October 2. California previously sought an extension of the response deadline in both cases to November 7, 2026, which was granted on September 22. We respectfully request that the response deadline for all respondents in both cases be extended by a further 30 days to December 7. Absent unanticipated emergency circumstances, we do not plan on seeking any further extensions.

The extensions are requested so that we may prepare a brief that best serves the Court. Although California and the other state and local government respondents intend to file a single brief in opposition, because the two petitions seek this Court's review of the same decision by the U.S. Court of Appeals for the D.C. Circuit, respondents' brief will need to address all of the arguments in those two overlapping, but not identical, petitions. Critically, the federal government on October 2 filed a brief as respondents in support of petitioners, to which the state and local government respondents must also respond. And nine amicus briefs have been filed in the *Kentucky* case, and eight amicus briefs have been filed in the *Chamber of Commerce* case. The requested extensions are needed so that the state and local respondents can undertake the drafting and review process necessary to produce a single brief in opposition that accounts for all of those briefs.

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Granting the requested extensions would not prejudice petitioners. The requested extensions would still enable the Court to hear these cases this Term if the petitions are granted. With a response deadline of December 7, the petitions would be distributed by December 22 for consideration at the January 8, 2027 conference—which makes it possible for the Court to hear the cases in the spring. *See, e.g., Chatrie v. United States*, No. 25-112 (considered at Jan. 16, 2026 conference and argued Apr. 27, 2026).

Petitioners in *Kentucky* and *Chamber of Commerce* oppose the requested extensions.

Sincerely,

/s/ Joshua A. Klein
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Supervising Deputy Solicitor General

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