BartkoPavia

Office: 415.956.1900 | Fax: 415.956.1152 | 1100 Sansome Street, San Francisco, CA 94111
BARTKOPAVIA.COM

Chad E. DeVeaux
cdeveaux@bartkopavia.com

November 13, 2026

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

Re: *Peridot Tree WA, Inc., et al., Petitioners v. Washington State Liquor and Cannabis Board, et al.* No. 26-343

Dear Mr. Harris:

Petitioners oppose the Washington Respondents' second motion for extension of time to file a brief in opposition to the petition for a writ of certiorari and state as follows:

This is Respondents' second request for an extension of time, for a total of 96 days. On October 5, 2026, the Court granted Respondents request for an extension of 50 days from October 15 to December 4. The Washington Respondents now seek an additional extension of 46 days from December 4 to January 19, 2027.

Respondents completely misconstrue Petitioners' concern with timing. Petitioners' concern is not with whether the *petition* will be considered at a conference this term, but whether if granted, the *case* can be heard this term before the summer recess. The issue presented in the petition is being litigated in many courts. A resolution by this Court will promote efficiency and save litigants enormous expense. If Respondents' request for a continuance is denied, and this Court grants review, there is likely time for it to be heard this term. If however, Respondents' request for a continuance is granted, there is virtually no chance the case could be heard before next term.

The Court's guidance concerning motions to extend the time to file a brief in opposition to a petition for certiorari states in pertinent part:

> If a respondent seeks an extension of more than 30 days, or a further extension after receiving a 30-day extension, respondent should include in the letter to the Clerk whether the petitioner(s) oppose the extension. Extensions beyond 30 days are possible but depend on the circumstances and the views of the other parties to the case. . . . If a petitioner opposes an extension request, and their opposition is not

noted in the request, counsel for petitioner should contact the Clerk's Office promptly, since these motions are routinely acted upon very quickly.[1]

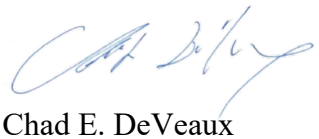
Under the current schedule, Respondents' Opposition is due December 4 and Appellants' Reply is due December 14. Under that schedule, the matter has a reasonable chance of being heard this term if the Court grants certiorari. Under Respondents' proposed schedule, the appeal likely would not be heard until next fall if certiorari is granted.

Petitioners also note that when they sought a 60-day extension permitted by the Court's rules for filing their Petition for a Writ of Certiorari, Respondents would agree to only a 30-day extension.

Accordingly, Petitioners respectfully request that Respondents' second motion for extension of time be denied.

Respectfully,

BARTKO PAVIA LLP



Chad E. DeVeaux

cc: Lee H. Roisacher, *Counsel for City of Sacramento and Davina Smith*
Tera M. Heintz, *Counsel for Washington State Liquor and Cannabis Control Board; William Lukela*

[1] January 2023 Memorandum Concerning the Deadlines for Cert Stage Pleadings and the Scheduling of Cases for Conference (available at https://www.supremecourt.gov/casehand/Guidance-on-Scheduling-2023.pdf).