ATTORNEY GENERAL OF WASHINGTON

Solicitor General's Office
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November 16, 2026

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

RE: ***Peridot Tree WA, Inc. v. Washington State Liquor and Cannabis Board*, No. 26-343**

Dear Mr. Harris:

I am writing in reply to Petitioner's objection to our request for an extension of the Brief in Opposition, which is currently due December 4, 2026, and for which we are requesting an extension to January 19, 2027. Petitioner argues that we have "completely misconstrue[d]" their concern with timing, and that they are not concerned with when the petition will be conferenced but rather whether the case would be heard this term if the petition were granted. *See* Letter from Chad E. DeVeaux, Counsel of Record for Petitioner, to Scott Harris, Clerk of the Supreme Court (Nov. 13, 2026).

Although Petitioners of course are entitled to any concerns they may have, Respondents respectfully submit that their communications to us, as shown in the attached e-mail correspondence, reflected only a concern about when the Petition would be conferenced, even after a request that they reconsider due to the number of conferences remaining on the Court's calendar this term. Had Petitioners explained their concern, we would have addressed it in our request for extension by arguing that there is no urgency to answering the question presented given the moving target of national marijuana legalization and no identified reason for urgency beyond efficiency.

Thank you for your consideration of this request.

Sincerely,

s/ Tera M. Heintz
Tera M. Heintz
Deputy Solicitor General
360-664-3027

cc: Chad Eric DeVeaux, *Counsel for Peridot Tree WA*
Lee H. Roistacher, *Counsel for City of Sacramento and Davina Smith*

Attachment

Gonick, Peter B. (ATG)

From: Gonick, Peter B. (ATG)
Sent: Thursday, November 12, 2026 7:16 AM
To: 'Jeffrey Jensen'
Cc: Chad E. DeVeaux; Heintz, Tera M. (ATG)
Subject: RE: Peridot Tree v. Washington State Liquor and Cannabis Board, U.S. Supreme Court No. 26-343

Jeff,

Understood. Thank you for considering. We'll note your objection in our request,

Peter

Peter B. Gonick (he, him)
Deputy Solicitor General
Office of the Attorney General
PO Box 40100
Olympia, WA 98504-0100
360-753-6245

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PLEASE SAVE PAPER BY PRINTING ONLY IF NECESSARY

From: Jeffrey Jensen <jeff@jeffreyjensen.com>
Sent: Wednesday, November 11, 2026 7:30 PM
To: Gonick, Peter B. (ATG) <peter.gonick@atg.wa.gov>
Cc: Chad E. DeVeaux <cdeveaux@bartkopavia.com>; Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>
Subject: Re: Peridot Tree v. Washington State Liquor and Cannabis Board, U.S. Supreme Court No. 26-343

[EXTERNAL]

Peter,

I understand your position, but we do not want to risk the petition being pushed to the fall. In addition, we have our other caseloads to consider and we arranged our calendars based on the understanding we would prepare our Reply between December 4 and 14.

Best,
Jeff

Jeffrey M. Jensen, Esq.
Jeffrey M. Jensen, PC
(310) 909-7043
https://jeffreyjensen.com/

On Wed, Nov 11, 2026 at 8:23 PM Gonick, Peter B. (ATG) <peter.gonick@atg.wa.gov> wrote:

Jeff,

Thank you for your response. I understand your concern about the petition not going to conference until the fall term, but I don't think that will be a risk even if our request for extension is granted. If our Brief in Opposition is due January 15, the case would be distributed for conference by January 29 at the latest. That would leave, by my count, at least 15 court conferences before the case would go to the fall term for conference.

You are of course free to object to our request for extension for any reason at all, or to disagree with my review of the Court's calendar. But if the concern is that the petition be conferenced before the fall term, we respectfully ask that you reconsider.

Sincerely,

Peter

Peter B. Gonick (he, him)

Deputy Solicitor General

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From: Jeffrey Jensen <jeff@jeffreyjensen.com>
Sent: Wednesday, November 11, 2026 3:26 PM
To: Gonick, Peter B. (ATG) <peter.gonick@atg.wa.gov>
Cc: Chad E. DeVeaux <cdeveaux@bartkopavia.com>; Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>
Subject: Re: Peridot Tree v. Washington State Liquor and Cannabis Board, U.S. Supreme Court No. 26-343

[EXTERNAL]

Counsel,

While we normally stipulate to extension requests, we cannot stipulate to your second extension request because we will be materially prejudiced. Under your first extension, your Opposition is due on December 4 and our Reply is due on December 14. Under that schedule, there is a chance the petition will go to conference in January. If the briefing schedule is extended, we run the risk the petition will not go to conference until the fall term.

Best,

Jeff

Jeffrey M. Jensen, Esq.

Jeffrey M. Jensen, PC

(310) 909-7043

https://jeffreyjensen.com/

On Tue, Nov 10, 2026 at 6:40 PM Gonick, Peter B. (ATG) <peter.gonick@atg.wa.gov> wrote:

> Chad,

Thank you for your response, and I hope you're feeling better. No apology necessary; I was just checking in before sending in our request. But as you say, we can wait a few days.

Thank you for considering our request, and we look forward to hearing you position on the extension.

Peter

Peter B. Gonick (he, him)

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From: Chad E. DeVeaux <cdeveaux@bartkopavia.com>
Sent: Tuesday, November 10, 2026 3:35 PM
To: Gonick, Peter B. (ATG) <peter.gonick@atg.wa.gov>
Cc: Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>; jeff@jeffreyjensen.com
Subject: RE: Peridot Tree v. Washington State Liquor and Cannabis Board, U.S. Supreme Court No. 26-343

[EXTERNAL]

Peter,

I apologize for not responding earlier, I was sick on Friday and much of the weekend and am just catching up on emails. I need to discuss your request with my cocounsel who were not copied on your email, including Jeff Jensen who has been primary counsel on the case from the beginning. I will respond as soon as I am able. As your brief is not due for nearly a month, I don't think taking a couple of extra days to discuss your request with my cocounsel should present a problem.

Best, Chad

Bartko Pavia

Chad E. DeVeaux
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From: Gonick, Peter B. (ATG) <peter.gonick@atg.wa.gov>
Sent: Tuesday, November 10, 2026 3:20 PM
To: Chad E. DeVeaux <cdeveaux@bartkopavia.com>
Cc: Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>
Subject: RE: Peridot Tree v. Washington State Liquor and Cannabis Board, U.S. Supreme Court No. 26-343

Mr. DeVeaux,

Just resending to get this to the top of your inbox. We intend to file a request for extension today or tomorrow. Thank you for your consideration,

Peter

Peter B. Gonick (he, him)

Deputy Solicitor General

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PLEASE SAVE PAPER BY PRINTING ONLY IF NECESSARY

From: Gonick, Peter B. (ATG)
Sent: Friday, November 6, 2026 10:17 AM
To: 'cdeveaux@bartkopavia.com' <cdeveaux@bartkopavia.com>
Cc: Heintz, Tera M. (ATG) <tera.heintz@atg.wa.gov>
Subject: Peridot Tree v. Washington State Liquor and Cannabis Board, U.S. Supreme Court No. 26-343

Mr. DeVeaux,

I am one of the attorneys in the Washington Attorney General's Office working on the Brief in Opposition in the above-captioned case. I am writing to let you know that we will be asking the Court for an extension of the deadline of 46 days, making the deadline January 19, 2026 (January 18 is a holiday). As you know, we previously received a 45-day extension of the deadline, and Petitioners received a 60-day extension of their deadline to file the cert petition.

The reason for the extension is that we have a small team of attorneys who work on U.S. Supreme Court matters, and we have an exceptionally large number of matters at the U.S. Supreme Court over the next few months. That includes Briefs in Opposition (including Peridot Tree) in three separate cases and a merits case with oral argument set for December 7, 2026. Election-related matters have also taken up much attorney time up to this week. This U.S. Supreme Court work is in addition to our regular work, including ongoing litigation in several matters in state trial and appellate courts. Finally, the 46-day request (rather than 30 days) is to avoid having briefs due during holidays.

Please let me know whether Petitioner objects to the request for an extension of the deadline. We are hoping to file the request today or Monday.

Thank you for your consideration of our request, and I hope you have a good weekend,

Peter

Peter B. Gonick (he, him)

Deputy Solicitor General

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