



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

KYLE D. HAWKINS
Solicitor General

(512) 936-1700
kyle.hawkins@oag.texas.gov

January 21, 2020

VIA E-FILE AND FEDERAL EXPRESS

Scott S. Harris, Clerk
Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543
sharris@supremecourt.gov

Re: *California v. Texas*, No. 19-840
United States House of Representatives v. Texas, No. 19-841
Motion to Extend Time to File Responses to Petitions for Writs of
Certiorari

Dear Mr. Harris:

Pursuant to Supreme Court Rule 30.4, Individual and State Respondents respectfully submit this joint request for an extension of the time for filing their responses to the petitions for writ of certiorari in *California v. Texas*, No. 19-840, and *United States House of Representatives v. Texas*, No. 19-841.

The responses are currently due on February 3, 2020. Any potential cross-petitions are due on March 17, 2020. A 43-day extension of the time to respond is needed (1) to put the petitions and any cross-petitions on the same track for consideration by the Court, and (2) because of the press of business from numerous complex matters with deadlines near the current deadline, which require significant time and attention from the undersigned counsel and other counsel assisting with this matter.

For the State Respondents, those matters include Respondent's Brief on the Merits to be filed in the Supreme Court of Texas in *Torres v. Texas Department of Public Safety*, No. 19-0107, on January 21, 2020; en banc oral argument in *Brackeen v. Bernhardt*, No. 18-11479, in the Fifth Circuit on January 22, 2020; en banc oral argument as amicus curiae in *Thomas v. Reeves*, No. 19-60133, in the Fifth Circuit on January

22, 2020; Respondent's Brief on the Merits in *City of Austin v. Texas Association of Business*, to be filed in the Supreme Court of Texas on January 22, 2020; Respondent's Brief in Opposition to Petition for a Writ of Certiorari in *Jones v. Davis*, No. 19-6465, to be filed in this Court on January 28, 2020; Response Brief for Plaintiffs-Appellees and Principal Brief for Plaintiffs-Cross-Appellants in *Texas v. Rettig*, No. 18-10545, to be filed in the Fifth Circuit on January 29, 2020; oral argument in *Thomas v. Davis*, 17-70002, in the Fifth Circuit on February 5, 2020; and oral argument in *Lulac v. Abbott*, 19-50214, in the Fifth Circuit on February 6, 2020.

For the Individual Respondents, those conflicts include Respondent's Brief on the Merits to be filed in the Supreme Court of Texas in *Austin v. Texas Association of Business*, No. 19-0025, on January 22, 2020; participation in the Texas Public Policy Foundation's annual Policy Orientation conference as a moderator of two panels and a speaker on one panel, from January 22-24, 2020; testifying before the Texas Parks & Wildlife Department on a proposed regulation, on January 23, 2020; a Motion to Compel in *Percy v. Canton*, No. 2:19-cv-11727, to be filed in the U.S. District Court for the Eastern District of Michigan on January 31, 2020, and a pretrial deadline in the same case on February 4, 2020; and pretrial deadlines on February 3, 2020 and February 6, 2020 in *Wiley v. Austin*, No. D-1-GN-16-004307, in the Travis County District Court, in preparation for a trial scheduled during the first week of March, 2020.

Petitioners moved this Court to expedite consideration of the petition so that it might be heard and decided in the current Term. On January 21, 2020, the Court denied that motion without any noted dissent. If the Court were to hear this case, it would not do so until next Term; no prejudice will result from the requested extension.

Scott S. Harris
January 21, 2020
Page 3

For the foregoing reasons, Respondents respectfully request an extension of the deadline for filing responses to the petitions for writs of certiorari, creating a new deadline of Tuesday, March 17, 2020, in accordance with Supreme Court Rule 30.1.

Respectfully submitted.

/s/ Robert E. Henneke

ROBERT E. HENNEKE

Counsel of Record

Texas Public Policy Foundation
901 Congress Avenue
Austin, TX 78701

Counsel for Individual Respondents

/s/ Kyle D. Hawkins

KYLE D. HAWKINS

Solicitor General

Counsel of Record

Office of the Attorney General
P.O. Box 12548 (MC 059)
Austin, Texas 78711-2548

Tel.: (512) 936-1700

Fax: (512) 474-2697

Kyle.Hawkins@oag.texas.gov

Counsel for State Respondents

cc: Samuel P. Siegel (Counsel for State Petitioners)
Douglas N. Letter (Counsel for House of Representatives)