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April 12, 2024

VIA ECF

Clerk of Court
United States Court of Appeals for the Fifth Circuit
600 South Maestri Place, Suite 115
New Orleans, LA 70130

Re: Unopposed Request for Level 1 Extension of Time, Case No. 24-30115

Dear Clerk of Court,

Pursuant to Federal Rule of Appellate Procedure 26(b) and Fifth Circuit Rules 26.2 and 31.4, Intervenor-Appellants Phillip DeVillier, in his official capacity as Speaker of the Louisiana House of Representatives, Cameron Henry, in his official capacity as President of the Louisiana Senate, and the State of Louisiana, by and through Attorney General Elizabeth Murrill (“Intervenor-Appellants”), respectfully request a 30-day extension of time, up to and including May 23, 2024, to file their opening briefs.

In compliance with Fifth Circuit Rule 27.4, Counsel for Intervenor-Appellants contacted all other parties. Appellant Secretary of State Nancy Landry consents to this request for extension of time. Plaintiff-Appellees and Intervenor-Appellee United States of America do not oppose this request.

Good cause exists for a Level 1, 30-day extension of the current April 23, 2024, deadline, up to and including May 23, 2024. *See* FRAP 26(b); 5th Cir. R. 31.4.3.1. First, the extension is necessary to create uniformity in the briefing deadlines governing all appellants and the response briefs of appellees and the United States.

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The deadline for Appellant Landry's opening brief has been extended until May 23, 2024. *See* Doc. 120-2. Without the relief requested in this letter, opening briefing for the Intervenor-Appellants will be due 30 days before Appellant Landry's brief. The requested extension would set the same deadline for all opening briefs, which in turn would set the same deadline for the briefs of the Plaintiff-Appellees and the United States and for any reply briefs.

Second, while the legal teams representing the Intervenor-Appellants have been working diligently on their opening briefing, both teams are engaged in substantial matters that, under the current deadline, will make it difficult for them to prepare briefing of the optimal quality to inform this Court's consideration of the complex issues in this appeal. The undersigned counsel are engaged in active, complex litigation across the country with overlapping deadlines requiring substantial time and resources. For example, counsel for Intervenor-Appellants DeVillier and Henry are involved in the following cases: *Kellner v. AIM Immunotech Inc.*, No. 3, 2024, (Del.) (oral argument held April 10, 2024); *Oskeske v. Silver Cinemas Acquisition Co.*, No. 23-3882 (9th Cir.) (merits brief due May 1, 2024); *Cleveland v. Power Home Solar, LLC*, No. 2023CA00159 (Ohio Ct. App., 5th Dist.) (oral argument set for May 14, 2024); *Linwood Branch, et al v. City of Virginia Beach, et al.*, No. CL24-322 (Va. Beach Cir. Ct.) (hearing on motion for preliminary injunction and other motions set for May 20, 2024). Counsel for the State are involved in the following cases: *Callais v. Landry*, No. 3:24-CV-122 (W.D. La.) (post-trial brief in three-judge redistricting case due April 17, 2024); *Frederick v. LeBlanc*, No. 24-30100 (5th Cir.) (merits brief due May 3, 2024); *Chisom v. Louisiana*, No. 22-30320 (5th Cir.) (en banc oral argument set for May 16, 2024); *McNeal v. LeBlanc*, No. 22-30180 (5th Cir.) (petition for writ of certiorari due May 21, 2024). These obligations establish good cause for an extension.

The requested relief will cause no harm. Because Appellant Landry's brief is now due on May 23, 2024, setting that same deadline for the other opening briefs will not slow this appeal down or prevent it from being argued at a date any sooner than if the requested relief is denied.

For the foregoing reasons, good cause exists for Intervenor-Appellants' request for a thirty-day extension of time, from April 23, 2024, to May 23, 2024, to file their opening briefs. The request for extension should be granted.

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Sincerely,

/s/ Richard B. Raile

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**Signed with Permission*

/s/ J. Benjamin Aguiñaga

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