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May 16, 2018

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

Re: *Andersen v. Planned Parenthood of Kansas et al.*, No. 17-1340

Dear Mr. Harris,

I represent the Petitioner in the above-captioned case. On April 19, 2018, the Court granted Respondents a 30-day extension of time for their brief in opposition, to and including May 23, 2018. On May 16, 2018, Respondents filed a letter seeking a second 30-day extension of time, until June 22, 2018.

Petitioner respectfully opposes this additional extension of time. Granting Respondents a second 30-day extension would defer the Court's consideration of this petition until after the summer recess, thereby resulting in more than three months of unnecessary delay for Petitioner. Such a delay would be especially prejudicial here given that Petitioner—a state official—is currently subject to a preliminary injunction prohibiting him from implementing important state policies. *Cf. City of Los Angeles v. Lyons*, 461 U.S. 95, 112 (1983) (noting the “principles of equity, comity and federalism that should inform the judgment of federal courts when asked to oversee state law enforcement authorities”).

A second extension of time for Respondents' brief in opposition is also unwarranted because Petitioner has acted expeditiously from the start of this proceeding to ensure prompt consideration by this Court. Indeed, Petitioner filed his petition for certiorari on March 21, 2018—less than 30 days after the decision below was issued and more than 60 days before the petition was due. Petitioner also intends to waive a portion of the time for his reply brief to ensure that the petition is distributed for the Court's consideration at the conference of June 14, 2018. Given the many steps Petitioner has taken to ensure prompt consideration of this petition, it would be inequitable to grant Respondents a second extension that would result in months of additional delay.

Finally, Respondents suggest that a delay would not prejudice Petitioner because the Court “may well wish to consider” this petition alongside the recently filed petition in *Gee v. Planned Parenthood of Gulf Coast et al.*, No. 17-1492 (filed Apr. 27, 2018), which raises the same question presented. But nothing in the *Gee* petition

changes the fact that there is *already* a square and acknowledged split of authority on the question presented. *See* Pet. 20-24 (discussing acknowledged 5-1 split of authority). If the Court grants certiorari in this case, it can then hold the later-filed petition in *Gee* pending the disposition on the merits. *Gee* provides no basis for deferring this petition until after the Court's summer recess.

Respectfully submitted,

s/ Patrick Strawbridge
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Counsel for Petitioner

cc: Counsel for Respondents (see attached service list)

17-1340
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