



U.S. Department of Justice

Office of the Solicitor General

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Washington, D.C. 20530

August 27, 2014

Honorable Scott S. Harris  
Clerk  
Supreme Court of the United States  
Washington, D.C. 20543

Re: King, et al. v. Burwell, et al., No. 14-114

Dear Mr. Harris:

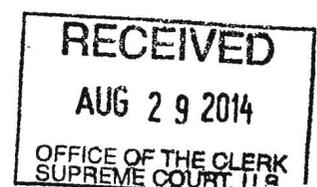
The petition for a writ of certiorari in the above-captioned case was filed on July 31, 2014. The government's response is now due on September 3, 2014. We respectfully request, under Rule 30.4 of the Rules of this Court, an extension of 30 days, to and including October 3, 2014, within which to file a response.

On August 6, 2014, counsel for petitioners filed a letter opposing any extension of time within which to file a response and requesting that any application for such an extension be submitted to the full Court for consideration. Notwithstanding petitioners' opposition, the requested extension is appropriate for three reasons.

First, the petition urges this Court to grant review to resolve a conflict between the decision below and the D.C. Circuit's decision in *Halbig v. Burwell*, No. 14-5018, 2014 WL 3579745 (July 22, 2014). The government moved expeditiously for rehearing en banc in *Halbig*, filing its petition on August 1, 2014. That request remains pending, and the D.C. Circuit's disposition of the request is directly relevant to this Court's consideration of the petition for certiorari.

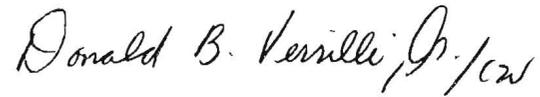
Second, numerous parties have sought and received the government's consent to file amicus curiae briefs in support of the petition under Rule 37.2(a) of the Rules of this Court. Absent an extension, the government will be unable to address the arguments made by petitioners' amici because the amicus briefs will be due on the same day as the government's response. Cf. Stephen M. Shapiro et al., *Supreme Court Practice* § 6.37(c), at 500 (10th ed. 2013) (stating that Rule 37.2(a)'s requirement that a party filing an amicus brief in support of a petition provide advance notice to the respondent "suggests that the Clerk will routinely grant extensions in order to enable a respondent to address in its opposition the arguments of an amicus in support of petitioner").

Third, the requested extension should not significantly delay the Court's consideration of the petition for certiorari or, in the event the Court grants review, the ultimate disposition of this case.



For the foregoing reasons, we respectfully request an extension of 30 days, to and including October 3, 2014, within which to file a response to the petition for certiorari.

Sincerely,

A handwritten signature in black ink that reads "Donald B. Verrilli, Jr." followed by a stylized flourish that appears to be "G./CW".

Donald B. Verrilli, Jr.  
Solicitor General

cc: See Attached Service List