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**IN THE
SUPREME COURT OF THE UNITED STATES**

STEVE CHABOT, et al.,

Applicants,

v.

OHIO A. PHILIP RANDOLPH INSTITUTE, et al.,

Respondents.

**APPLICATION TO EXTEND THE TIME
TO FILE A JURISDICTIONAL STATEMENT**

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TO THE HONORABLE SONIA SOTOMAYOR, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE SIXTH CIRCUIT:

Pursuant to Supreme Court Rules 18.3, 21, 22, and 30, Applicants¹ respectfully seek an extension of time to and including Friday, July 19, 2019, in which to file a jurisdictional statement in the appeal from *Ohio A. Philip Randolph Institute v. Householder*, No. 1:18-cv-00357, ECF No. 262 (S.D. Ohio May 3, 2019). This would align the due dates in this matter with those in *Householder v. Ohio A. Philip Randolph Institute*, No. 18A1242, an appeal from the same injunction and opinion challenged here. On June 5, 2019, the State of Ohio's motion for an extension was granted in that matter, and an extension is warranted here for similar reasons.

1. The three-judge district-court panel below issued its judgment on May 3, 2019. *See* Appendix B. Its accompanying opinion and order, issued the same day, held that all sixteen of Ohio's congressional districts are unconstitutional partisan gerrymanders. *See* Appendix A. Both the State and Applicants filed notices of appeal on May 6, 2019. This Court has jurisdiction under 28 U.S.C. § 1253. Under the Supreme Court's rules, the jurisdictional statement would be due sixty days later, on July 5, 2019. *See* S. Ct. Rule 18.3.

¹ The Applicants are intervenors below. Applicants Steve Chabot, Brad Wenstrup, Jim Jordan, Bob Latta, Bill Johnson, Bob Gibbs, Warren Davidson, Michael Turner, Dave Joyce, and Steve Stivers are Republican members of Ohio's congressional delegation. Applicants the Republican Party of Cuyahoga County, the Franklin County Republican Party, Robert F. Bodi, Charles Drake, Roy Palmer III, and Nathan Aichele are private persons who support Republican candidates for Congress.

2. However, as the State’s motion for an extension explained, the State and the Respondents agreed in the district court to a schedule requiring the State to file its jurisdictional statement within 53 days of its notice of appeal. The Applicants agreed to abide by the district court’s case management order upon their intervention in the district court.

3. The Applicants, however, have complied with the letter and spirit of that agreement by successfully moving to stay the injunction below. As the Applicants have pointed out on several occasions, the Court may treat the stay application as a jurisdictional statement. *See, e.g., Perry v. Davis*, 565 U.S. 1090 (2011). Thus, the Court is positioned to grant the Respondents’ request for prompt disposition of this appeal if it so chooses, which was the point of the State’s and the Respondents’ agreement governing the timing of this appeal.

4. On the other hand, denying this application does not help the Respondents in any way because, unless the Court treats the stay application as a jurisdictional statement, it will not act on the Applicants’ forthcoming jurisdictional statement until October 2019—months after both the current timeline and requested extension dates. Moreover, even if Applicants are required to file on the current timeline, the Respondents will still be obligated to respond to the State’s jurisdictional statement, which will be filed 21-days later on July 19. Thus, denying this motion will not assist the Respondents.

5. An extension is necessary given the need to draft the forthcoming jurisdictional statement in light of the Court’s upcoming decisions in *Rucho v.*

Common Cause, No. 18-422 and *Lamone v. Benisek*, No. 18-726, which may not be issued until days prior to the current deadlines. An extension is also appropriate given the case load of counsel for the Applicants. Case events this summer include a trial in *Common Cause v. Lewis*, 18-cvs-14001 (N.C. Super. Ct.), and an appeal in *In re Bernard L. Madoff Investment Securities LLC*, No. 19-429 (L), No. 19-501, No. 19-510 (2d Cir.).

Counsel for the Applicants contacted counsel for the Respondents in advance of making this motion to assess their position, and counsel for the Respondents did not respond.

CONCLUSION

For these reasons, the Court should grant this application to extend the time to file a jurisdictional statement to and including Friday, July 19, 2019.

Respectfully submitted,

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