



U.S. Department of Justice

Office of the Solicitor General

Washington, D.C. 20530

February 19, 2019

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

Re: Department of Commerce, et al. v. New York, et al., No. 18-966

Dear Mr. Harris:

The petition for a writ of certiorari before judgment in the above-captioned case was granted on February 15, 2019. The case will be set for argument in the second week of the April session. Respondents and the government have agreed to the following briefing schedule:

Petitioners' opening brief:	March 6, 2019
Respondents' briefs:	April 1, 2019
Petitioners' reply brief:	One week before oral argument pursuant to Rule 25.3

Also, the government intends to file a motion under Rule 26.8 of the Rules of this Court to dispense with the printing of the joint appendix and to hear the case on the original record. The parties' designations for the appendix in the court of appeals numbered approximately six thousand pages. It is not feasible to prepare and print in 6 $\frac{1}{8}$ - by 9 $\frac{1}{4}$ -inch booklet format those materials (or even a substantial subset of those materials) in this highly expedited timeframe. The government will propose that the parties provide the Court with an appendix in 8 $\frac{1}{2}$ - by 11-inch format to be filed with petitioners' opening brief. Counsel for respondents has informed the government that respondents agree to this proposal and do not oppose the motion.

Sincerely,

Noel J. Francisco
Solicitor General

cc: See Attached Service List

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