

Please reply to: P.O. Box 7508, Portland, ME 04112

May 15, 2018

VIA ELECTRONIC FILING & US MAIL

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

Re: No. 17-1279, *Berstein, Shur, Sawyer & Nelson, P.A., et al v. Susan Snow*

Dear Mr. Harris:

Please consider this letter in response to Petitioner's May 14, 2018, letter opposing Respondent's May 10, 2018, request for an additional 30 days to file her Brief in Opposition.

In the ordinary course, the Court would consider the Petition in this matter at the September conference—assuming a May 29, 2018, Brief-in-Opposition deadline. Petitioners seek to fast-track the Court's consideration of their Petition by opposing Respondent's standard 30-day extension and offering to waive their reply to Respondent's Brief in Opposition. Without expedited review, Petitioner's argue, the discovery process before the Maine Superior Court will cause them prejudice.

Any prejudice that Petitioners assert in opposing Respondent's request for a 30-day extension is of their own making. Petitioners had the opportunity to stay proceedings following the Maine Supreme Judicial Court's December 21, 2017, decision. Petitioners failed to comply with 28 U.S.C. § 2101(f), however, and requested a stay in the wrong court—the Maine Superior Court, not the Maine Supreme Judicial Court from which they seek certiorari. Their request was understandably denied.¹

Respondent should not be penalized and deprived of a standard 30-day extension to file a Brief in Opposition because Petitioners did not seek a stay from the appropriate court or because she waited for the Court's direction before preparing to respond to the Petition. As stated in Respondents' May 10 request, the extension is necessary to accommodate Respondent's counsel

¹ Even if the Court were to consider—and grant—the Petition in June, moreover, Petitioners might not avoid participating in the state-court discovery process. Contrary to Petitioner's assertion, the Maine Superior Court did not guarantee a stay of proceedings should this Court grant Certiorari.

May 15, 2018
Page 2 of 2

who have active trial schedules during the next three weeks and who—in their first appearance before this Court—need additional time to prepare her Brief in Opposition.

Sincerely,

A handwritten signature in black ink, appearing to be 'B. Donahue', written in a cursive style.

Benjamin N. Donahue
Counsel for Respondent

Cc: Matthew S. Hellman, Counsel for Petitioner