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PROVIDING OVER 45 YEARS OF LEGAL SERVICES

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April 6, 2020

Scott S. Harris
Clerk of the Court
Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Re: *Leo Lech, at al. v. Chief John A. Jackson, et al.*
Supreme Court Case No. 19-1123

Dear Mr. Harris:

This letter and request is being submitted on behalf of the Respondents in the above-captioned matter. The Respondents respectfully request an extension of time of forty-nine (49) days to submit their Brief in Opposition to the Petitioner's Petition for Writ of Certiorari. The original deadline for Respondents' Brief in Opposition is currently scheduled for April 15, 2020. The requested extension would provide the Respondent an extension of time until June 3, 2020 in which to submit their Brief in Opposition. This is the first request for an extension of time the Respondents have sought.

Undersigned counsel for the Respondents has conferred with Petitioners' counsel and has been advised that there is no objection to this requested extension of time.

The Respondents request this extension of time for the following reasons:

1. As the Court knows, the entire country has been seized by the immediate threat of the coronavirus ("COVID-19") pandemic. On March 10, 2020, the Governor of Colorado declared a state of emergency related to the issues surrounding COVID-19 in Colorado. The Petitioners' Petition for Writ of Certiorari was then filed on or about March 11, 2020. Since that time, the crisis in Colorado, and around the country for that matter, have only intensified. Indeed, on March 24, 2020, all Colorado employers were directed to reduce their in-person work forces by at least fifty (50) percent and to implement tele-work or work from home requirements. Thereafter, on March 26, 2020, the Colorado Governor directed all Coloradans to stay at home, subject to limited exceptions, because of COVID-19. That Executive Order is currently effective through April 11, 2020. However, the City of Denver has also issued a stay at home mandate to its citizens that is currently effective through April 30, 2020.

The Respondents' counsels' office is located in the City of Denver, and Respondents' counsel are currently under the stay at home mandate in effect. These things make it very difficult to collaborate and effectively prepare the Respondents' Brief in Opposition. Additionally, given the Supreme Court requirements related to submitting the Brief in Opposition, including such things as copying requirements, the current state of affairs in Colorado makes complying with those requirements more difficult and time consuming.

The extension of time sought will provide Respondents' counsel with an opportunity to prepare the Respondents' Brief in Opposition while the stay at home mandate is in place, as well as the opportunity to safely and effectively collaborate and work with each other and others when the stay at home mandate is lifted. The extension of time requested will also allow Respondents to comply with all requirements, including copying requirements, related to the submission of their Brief in Opposition.

2. Besides the logistical and practical issues surrounding COVID-19 and preparing Respondents' Brief in Opposition, Respondents' counsel has also been informed that two organizations plan on filing Amicus Briefs related to the Petitioners' Petition for Writ of Certiorari. Respondent has consented to allowing these briefs. Those briefs have not yet been submitted, and they do not appear to be due until April 15, 2020. In that respect, Respondents would like the opportunity to review those briefs and determine whether there are any additional arguments that need to be addressed in their Brief in Opposition or actions that need to be taken. The requested extension of time will afford Respondents the opportunity to review the content of those Amicus Briefs prior to submitting their Brief in Opposition.

3. Lastly, given the stay at home mandate currently in place in Colorado, Respondents' counsel preparing the Brief in Opposition are faced with somewhat different challenges related to workload. Although there are no court appearances or other in-person appearances taking place at this time, one of Respondents' counsel is still facing a heavy caseload from home while at the same time taking care of a small child and family. For instance, Respondents' counsel have virtual mediations in the next few weeks that require significant attention, certain courts are still holding telephone hearings, and counsel are currently engaged in numerous phone calls assisting clients in employment related decisions, including those concerning COVID-19 and related economic considerations. Handling these matters in conjunction with caring for family at home is very time-intensive. The requested extension of time to submit Respondents' Brief in Opposition will permit counsel the time to submit the high quality briefing expected in the United States Supreme Court.

Thank you for your consideration. Counsel of record can be reached at (303) 951-6613 or anathan@ndm-law.com.

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Sincerely,

s/Nick Poppe

J. Andrew Nathan
Ashley Hernandez-Schlagel
Nicholas C. Poppe

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CERTIFICATE OF SERVICE

I hereby certify that on April 6, 2020, a copy of the foregoing was filed with the Court. Notice will be served upon the following via regular U.S. mail:

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