

April 9, 2024

VIA ELECTRONIC FILING

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

Re: *Home Depot U.S.A., Inc. v. Blue Cross Blue Shield Ass’n, et al.*, No. 23-1063

Dear Mr. Harris,

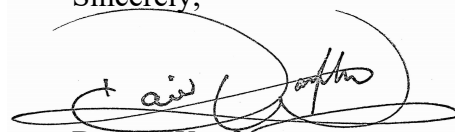
I represent David Behenna in the above-captioned case. Mr. Behenna was an objector, aligned with Home Depot U.S.A., in the Eleventh Circuit action that produced the judgment that is the subject of Home Depot’s petition for certiorari. Mr. Behenna agrees with Home Depot that Home Depot’s petition should be granted and that the judgment below should be reversed. Accordingly, Mr. Behenna is a respondent in support of petitioner in this case.

Mr. Behenna is preparing his own petition for a writ of certiorari to the court of appeals arising from the same judgment. Respondent Blue Cross Blue Shield Association and related respondents (together, “BCBS”) represented to this Court that if they were granted a 30-day extension to file their brief in opposition, and Mr. Behenna and the other potential petitioner file their potential petitions by the current deadline of April 25, 2024, then BCBS would “respond to all potential petitions in a single filing,” by May 29, 2024. *See* BCBS’ Motion to Extend Time to File a Response (Apr. 2, 2024). Respondents “Subscriber Classes” filed a letter representing that “[a]lthough [they] have consistently sought to expedite appellate proceedings related to approval of the settlement,” they “do not oppose the BCBS Respondents’ request for a 30-day extension”—asking only that if the extension were granted for BCBS, the extension would “apply to both the BCBS Respondents and the Subscriber Respondents.” *See* Response to Motion from Subscriber Respondents (Apr. 2, 2024).

Based on BCBS’s motion and the Subscriber Classes’ response, the Court granted the requested extension of time to file a response “to and including May 29, 2024, for all respondents.” Order (Apr. 3, 2024). Mr. Behenna only recently retained undersigned counsel, and given other pressing matters for which extensions cannot be granted, undersigned would otherwise seek an extension of time to file the petition on Mr. Behenna’s behalf. But in light of BCBS’s representation that they will file an omnibus brief in opposition to all petitions by May 29, 2024, so long as the petitions are filed by April 25, 2024, and in light of the Subscriber Classes’ representation that they are motivated “to expedite appellate proceedings relating to approval of

the settlement,” undersigned counsel will do what is necessary to file a petition on Mr. Behenna’s behalf by the current due date of April 25, 2024.

Sincerely,



Daniel Woofter