

Nos. 24-20 & 24-151

IN THE
Supreme Court of the United States

MIRIAM FULD, ET AL.,
Petitioners,

v.

PALESTINE LIBERATION ORGANIZATION, ET AL.,
Respondents.

UNITED STATES OF AMERICA,
Petitioner,

v.

PALESTINE LIBERATION ORGANIZATION, ET AL.,
Respondents.

**APPLICATION FOR LEAVE TO FILE A
CONSOLIDATED BRIEF ON THE MERITS IN
EXCESS OF THE WORD LIMIT**

GASSAN A. BALOUL
Counsel of Record
MITCHELL R. BERGER
SQUIRE PATTON BOGGS (US) LLP
2550 M Street, N.W.
Washington, D.C. 20037
Telephone: (202) 457-6000
gassan.baloul@squirepb.com

February 11, 2025

Counsel for Respondents

To the Honorable Sonia Sotomayor, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Second Circuit:

Pursuant to Rules 22 and 33.1(d), Respondents respectfully request leave to file a single consolidated brief on the merits of no more than 22,500 words, which is in excess of the word limit for a single brief set forth in Supreme Court Rule 33.1(d).

1. On December 6, 2024, this Court granted the petitions in Docket Nos. 24-20 and 24-151 and consolidated the cases.

2. Plaintiffs and the Government filed separate briefs on the merits with a combined total of over 25,000 words, raising different arguments in support of reversal. Plaintiffs' opening brief revolves around the original understanding of the Due Process Clause of the Fifth Amendment. The Government's brief devotes less than a page to originalism, and instead develops other arguments. Twelve *amicus curiae* briefs have been filed as well. Some *amici* claim to raise case-dispositive issues that were not addressed in the Petitioners' merits briefs – for example, whether Respondents qualify as “persons” under the Due Process Clause – which Respondents need additional space to address substantively.

3. Rather than file two separate briefs on the merits totaling 26,000 words together, Respondents believe it will be more efficient and beneficial to the Court for them file a single consolidated merits brief.

4. Respondents thus request permission to file a consolidated brief in excess of the 13,000-word limit by 9,500 words, not to exceed 22,500 words total.

5. Where there are multiple parties and opening briefs in consolidated cases, this Court regularly grants the respondents leave to file a single, consolidated brief of similar length. For example, in *Federal Commc'ns Comm'n v. Consumers' Research*, No. 24-354, the Government and private Petitioners filed three separate merits briefs. Though there was substantial overlap among all three opening briefs that addressed the same issues, this Court granted leave to file a consolidated response brief of 23,000 words. And in *Twitter, Inc. v. Taamneh*, No. 21-1496, an Antiterrorism Act case like this one, the Petitioners filed two briefs totaling 25,000 words. This Court allowed the respondent a consolidated response brief of 20,000 words. This Court also allows responsive briefs that are longer than those of the petitioners. See *Haaland v. Brackeen*, No. 21-376 (granting leave for petitioners to file two 20,000 word briefs, and for respondents to file three consolidated response briefs of 22,500 each). See also, e.g., *Kawasaki Kisen Kaisha Ltd. v. Regal-Beloit Corp.*, No. 08-1553 (granting leave to file a consolidated brief of 25,000 words); *The American Legion v. American Humanist Ass'n*, No. 17-1717 (granting leave to file a consolidated response brief of 22,500 words); *Turner v. United States*, No. 15-1503 (granting leave to file a consolidated response brief of 22,500 words).

6. Counsel for the Government have indicated that they agree to a consolidated response brief of up to 18,000 words, but not a brief of up to 22,500 words. Counsel for Plaintiffs have indicated that they oppose the relief sought.

7. This request is sought in the interest of justice, not for delay, and no party will be prejudiced if the requested word extension is granted.

This application for leave to file a consolidated response brief on the merits of 22,500 words should be granted.

Respectfully submitted,

GASSAN A. BALOUL
Counsel of Record
MITCHELL R. BERGER
SQUIRE PATTON BOGGS (US) LLP
2550 M Street, N.W.
Washington, D.C. 20037
gassan.baloul@squirepb.com

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