No. 24-279

In the Supreme Court of the United States

360 VIRTUAL DRONE SERVICES LLC ET AL.,
PETITIONERS

v.

ANDREW L. RITTER, IN HIS OFFICIAL CAPACITY AS EXECUTIVE DIRECTOR OF THE NORTH CAROLINA BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS, ET AL.

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Fourth Circuit

SUPPLEMENTAL BRIEF IN SUPPORT OF PETITION FOR A WRIT OF CERTIORARI

DAVID G. GUIDRY
GUIDRY LAW FIRM PLLC
338 South Sharon Amity Rd., #337
Charlotte, NC 28211
(917) 376-6098

SAMUEL B. GEDGE
Counsel of Record
JAMES T. KNIGHT II
INSTITUTE FOR JUSTICE
901 North Glebe Rd., Suite 900
Arlington, VA 22203
(703) 682-9320
sgedge@ij.org

CORPORATE DISCLOSURE STATEMENT

The information in the corporate disclosure statement at page ii of petitioners' petition for a writ of certiorari remains accurate, current, and complete.

Our reply brief (at 3-6) drew the Court's attention to a recent decision from the Fifth Circuit—*Hines* v. *Pardue*—that confirms the circuit split described in the petition. In evaluating as-applied First Amendment challenges to occupational-licensing laws, the Fifth Circuit adheres to "the 'traditional conduct-versus-speech dichotomy.'" *Hines* v. *Pardue*, 117 F.4th 769, 775 (2024) (quoting *Vizaline, LLC* v. *Tracy*, 949 F.3d 927, 932 (5th Cir. 2020)). The Fourth and Eleventh Circuits, meanwhile, have staked out fundamentally different standards, with the decision below introducing a "non-exhaustive list of factors" for "distinguishing between licensing regulations aimed at conduct and those aimed at speech as speech." Pet. App. 24a.

We file this supplemental brief to advise the Court of developments in the *Hines* litigation that postdate the filing of our reply brief.

First, as our reply brief forecast (at 4 n.*), the Texas Solicitor General has sought and obtained an extension of the time within which to file a petition for certiorari in *Hines*. No. 24A613 (Dec. 20, 2024) (extending deadline to February 23, 2025). In requesting that extension, Texas's application appears largely to agree with the account of the circuit split detailed by petitioners here: in holding that Texas's veterinarian law "'primarily regulated [Dr. Hines's] speech,'" Texas observes, "the Fifth Circuit split with the Eleventh Circuit and the Fourth Circuit regarding the First Amendment's application to States' professional-practice regulations." Application for Extension of Time at 2, *Hines* v. *Pardue*, No. 24A613 (docketed Dec. 19, 2024); *see also* Pet. 13 ("[W]ith the decision below, the Fourth Circuit has now forged a third path—in conflict with the standards of both the Fifth and the Eleventh Circuits and in grave tension with that of the Ninth."); Reply Br. 7 (noting recent Tenth Circuit decision compounding

lower-court confusion); *accord* Pet. for Cert. at 19-29, *Crownholm* v. *Moore*, No. 24-276.*

Second, we are informed that Dr. Hines does not anticipate waiving his response to Texas's petition for certiorari. (Like petitioners here, Dr. Hines is represented by the Institute for Justice.) Nor does he anticipate seeking an extension of time to file his brief responding to that petition. Texas's petition thus will almost certainly be eligible for conference well before the end of this Term.

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The petition for a writ of certiorari should be granted.

Respectfully submitted.

DAVID G. GUIDRY
GUIDRY LAW FIRM PLLC
338 South Sharon Amity Rd., #337
Charlotte, NC 28211
(917) 376-6098

SAMUEL B. GEDGE
Counsel of Record
JAMES T. KNIGHT II
INSTITUTE FOR JUSTICE
901 North Glebe Rd., Suite 900
Arlington, VA 22203
(703) 682-9320
sgedge@ij.org

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* In summarizing the Fourth Circuit's alignment on the split, Texas cited a case called *Capital Associated Industries, Inc.* v. *Stein*, which the decision below harnessed as one of its chief authorities in developing its "non-exhaustive list of factors" standard. Pet. App. 16a ("Read together, *Capital Associated Industries* and *Billups* help to draw the boundary lines around what constitutes a conduct-focused professional regulation."); Pet. App. 14a-15a, 17a-20a, 22a-28a.