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December 23, 2024

By Hand Delivery

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

Re: *TikTok, Inc., et al., v. Merrick B. Garland, Attorney General*, No. 24-656;
Firebaugh, et al., v. Merrick B. Garland, Attorney General, No. 24-657

Dear Mr. Harris:

The applications construed as petitions for a writ of certiorari in the above-captioned cases were granted, and the cases consolidated, on December 18, 2024. The Court has ordered briefing on an expedited schedule, with the parties directed to electronically file simultaneous opening briefs and a joint appendix by Friday, December 27, 2024, with booklet format briefs prepared in compliance with Rule 33.1 to be submitted as soon as possible thereafter.

Given the highly expedited timeframe, it would be very difficult to prepare and print the joint appendix in 6½-by-9¼-inch booklet format, especially given the need to have the pagination set before the briefs are finalized. Accordingly, in lieu of a booklet-format joint appendix, Petitioners TikTok Inc. and ByteDance Ltd. respectfully request leave to provide the Court with the joint appendix in 8½-by-11-inch format, covered and bound pursuant to Rule 33.1.

In addition, while Rule 26.5 generally requires that the contents of the joint appendix be set out in chronological order, we respectfully request leave to place the D.C. Circuit's opinion and judgment at the front. That may be more useful for the Court, given that those materials are usually printed at the front of the cert petition appendix but no such appendix was prepared in these cases.

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Counsel for the government and counsel for the Petitioners in consolidated case No. 24-657 have indicated that they agree to this proposal.

Sincerely,

/s/ Noel J. Francisco

Noel J. Francisco

*Counsel of Record for Petitioners TikTok
Inc. and ByteDance Ltd.*

cc: Elizabeth B. Prelogar, Solicitor General
Jeffrey L. Fisher, Counsel of Record for Petitioners in No. 24-657