

**In the Supreme Court of the United States**

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HARRIS BRUMFIELD, TRUSTEE FOR ASCENT TRUST,  
PETITIONER

*v.*

IBG LLC; INTERACTIVE BROKERS LLC

\_\_\_\_\_

*ON APPLICATION TO CHIEF JUSTICE ROBERTS FOR AN  
EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT*

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**RESPONDENTS' PARTIAL OPPOSITION TO  
PETITIONER'S APPLICATION TO EXTEND THE TIME TO  
FILE A PETITION FOR A WRIT OF CERTIORARI**

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STEFFEN N. JOHNSON  
*Wilson Sonsini  
Goodrich & Rosati, PC  
1700 K Street, N.W.  
Washington, DC 20006  
(202) 973-8000  
sjohnson@wsgr.com*

*Counsel for Respondents IBG LLC and Interactive Brokers LLC*

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Pursuant to Rule 21.4, respondents respectfully submit this partial opposition to petitioners' application for a 60-day extension of the deadline, to and including January 3, 2025, for filing a petition for certiorari.

Respondents do not object to a 30-day extension of the current November 4, 2024, deadline, to and including December 4, 2024. But petitioner has not acknowledged, let alone satisfied, the statutory and rule-based requirement that he show "good cause" for the requested extension (28 U.S.C. § 2101(c); Rule 13.5), and his counsel's cited "professional conflicts" do not remotely justify a 60-day extension. Application 1.

Two of the alleged "conflicts" are a brief and appendix filed "on August 16, 2024 and August 23, 2024" (*ibid.*)—more than three months before the December 4 deadline that will govern if the Court grants a 30-day extension. Likewise, the cited October 10 oral argument, October 11 "pre-motion conference deadline," and October 16-18 "professional summit" (*ibid.*) will all be completed no later than 47 days before December 4. And the last conflict, "a motion to dismiss deadline of November 1, 2024" (*ibid.*), is 33 days before the expected December 4 deadline.

In other words, even assuming the asserted conflicts occupied every minute of petitioner's counsel's time between now and November 1—a

dubious assumption in light of the team of experienced lawyers from his large firm appearing on the briefs below—he will have had 121 days, the last 33 of them conflict-free, to prepare a petition. That is more than enough time, especially since “a case considered important enough to submit to the Supreme Court should normally be given priority in a lawyer’s work schedule.” S. SHAPIRO ET AL., SUPREME COURT PRACTICE § 6.7(a) (11th ed. 2019). Indeed, “only an aggravated and unavoidable” professional conflict “may induce favorable action on an application.” *Ibid.*

Contrary to petitioner’s assertion, moreover, respondents need not show “prejudice” (Application 3) to successfully *oppose* his requested 60-day extension—the maximum allowed by law. 28 U.S.C. § 2101(c). Rather, “[a]n application to extend the time to file a petition for a writ of certiorari is not favored” (Rule 13.5), and (as noted) it is *petitioner’s* burden to show that “good cause” supports his application. Recognizing that extensions are not a matter of right, this Court routinely denies extensions—especially of longer than 30 days—where, as here, the petitioner fails to show good cause to delay completion of the cert-stage briefing. Denying extra time is especially justified in this case, which has dragged on for fourteen years and produced four trips to the court of appeals.

In short, it is time for this case to come to an end, and any extension beyond 30 days, to and including December 4, 2024, should be denied.

Respectfully submitted,

/s/ Steffen N. Johnson

STEFFEN N. JOHNSON

*Counsel of Record*

*Wilson Sonsini*

*Goodrich & Rosati, PC*

*1700 K Street, N.W.*

*Washington, DC 20006*

*(202) 973-8000*

*sjohnson@wsgr.com*

*Counsel for Respondents IBG LLC and Interactive Brokers LLC*

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