

No. 24A-____
(Related to Nos. 24-354 and 24-422)

IN THE
Supreme Court of the United States

FEDERAL COMMUNICATIONS COMMISSION, ET AL.,
Petitioners,

v.

CONSUMERS' RESEARCH, ET AL., *Respondents.*

SHLB COALITION, ET AL., *Petitioners,*

v.

CONSUMERS' RESEARCH, ET AL., *Respondents.*

To the Honorable Samuel A. Alito, Justice of the Supreme Court of the United
States and Circuit Justice for the Fifth Circuit

APPLICATION TO EXCEED WORD LIMITS

R. TRENT MCCOTTER
Counsel of Record
BOYDEN GRAY PLLC
800 Connecticut Ave. NW
Suite 900
Washington, DC 20006
(202) 706-5488
tmccotter@boydengray.com

CORPORATE DISCLOSURE STATEMENT

Consumers' Research and Cause Based Commerce, Inc., have no parent corporations, and no publicly held company owns 10% or more of their stock.

To the Honorable Samuel A. Alito, Justice of the Supreme Court of the United States and Circuit Justice for the Fifth Circuit:

Pursuant to Rules 22 and 33.1(d), Respondents respectfully request leave to file their brief on the merits in excess of the word limits, not to exceed 23,000 words. Good cause supports this relief.

1. This case involves two consolidated petitions for writs of certiorari. The first was filed by the government on September 30, 2024 (No. 24-354), and the second was filed by a group of private entities (intervenors below) on October 11, 2024 (No. 24-422).

2. On November 22, 2024, this Court granted both petitions, which covered three questions presented, and consolidated the cases for oral argument. The Court also added a fourth question presented about mootness.

3. Petitioners in the consolidated cases are represented by separate counsel, and on January 8, 2025, and January 9, 2025, respectively, they filed three separate opening briefs on the merits. The government filed a brief in No. 24-353, and private Petitioners filed two separate merits briefs in No. 24-422, even though they had filed a consolidated certiorari petition.

4. Respondents intend to file a single merits brief in response. Consolidation will prevent needless duplication in addressing the common questions presented and other issues the cases have in common. But Respondents need additional space to adequately and efficiently address the issues presented in these cases, given the number of questions presented (which have little overlap with one another), the three

separate full opening briefs filed by Petitioners, and the roughly two dozen amicus briefs filed by Petitioners' supporters.

5. Under current briefing limits, Petitioners would have a combined 57,000-word limit (13,000 for each opening brief and 6,000 for each reply brief), while Respondents would have only 13,000 words for a consolidated brief, absent an extension—i.e., not even 25% as much space as Petitioners.

6. Respondents have already prepared a great deal of their response brief to determine how much extra space is needed. They respectfully request leave to file a consolidated merits brief not to exceed 23,000 words. This consolidated brief would still amount to several thousand words fewer than if Respondents filed separate merits briefs for each petition.

7. The Court has previously granted longer word-length extensions for consolidated response merits briefs, including up to at least 25,000 words. *See, e.g. Kawasaki Kisen Kaisha Ltd. v. Regal-Beloit Corp.*, No. 09A714 (Jan. 29, 2010) <https://www.supremecourt.gov/search.aspx?filename=/docketfiles/09a714.htm>.

8. Petitioners take no position on this requested relief.

Respectfully submitted,

/s/ R. TRENT MCCOTTER

R. TRENT MCCOTTER

Counsel of Record

BOYDEN GRAY PLLC

800 Connecticut Ave. NW

Suite 900

Washington, DC 20006

(202) 706-5488

tmccotter@boydengray.com

January 24, 2025