



June 22, 2021

Honorable Scott S. Harris
Clerk
Supreme Court of the United States
Washington, DC 20543

Re: *Dignity Health D/B/A Mercy San Juan Medical Center v. Evan Minton*, No. 19-1135 – Letter Brief of Respondent Evan Minton in Response to Supplemental Brief of Petitioner

Dear Mr. Harris:

Respondent Evan Minton respectfully submits this letter to the Court in response to the Supplemental Brief of Petitioner filed June 21, 2021.

Petitioner filed its supplemental brief ostensibly to address the effect of this Court’s decision in *Fulton v. City of Philadelphia*, No. 19-123 (U.S. June 17, 2021), on the petition. Yet Petitioner candidly admits that “*Fulton* does not directly address the issues raised in this case.” Suppl. Br. at 1. Instead of making any argument that *Fulton* affects the outcome of the petition, Petitioner simply repeats some of the non-*Fulton*-related arguments from its petition, without citing any new cases or other authority. That is not a proper basis for a supplemental brief under Rule 15.8. Sup. Ct. R. 15.8 (providing that any party may file a supplemental brief while a petition for a writ of certiorari is pending “calling attention to new cases,

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new legislation, or other intervening matter not available at the time of the party's last filing").

Notably, Petitioner's supplemental brief does not address any of the significant jurisdictional or vehicle issues that Respondent raised in his brief in opposition. Opp. 10-23. Petitioner seeks review of a demurrer, which is not a final order and is therefore not reviewable now. Opp. 10-18. Further, even if this Court had jurisdiction at this preliminary stage of a state proceeding, the petition rests on factual assertions that are not yet part of the record, making this case an inappropriate vehicle to resolve the questions it presents. Opp. 18–23. Indeed, given the procedural posture and unresolved factual issues, it is not clear whether the federal questions Petitioner raises will ever need to be decided in this case. Opp. 21–23.

Petitioner has made no argument that would support an order granting, vacating, and remanding the petition for further consideration by the lower courts in light of *Fulton*, as not even Petitioner contends that the California law at issue contains any mechanism for individualized exemptions. Respondent respectfully requests that the Court deny certiorari for the reasons outlined in his brief in opposition.

Respectfully submitted,

s/Amanda C. Goad

Amanda C. Goad

Counsel of Record for Respondent

cc: All Counsel of Record