

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Deborah S. Hunt
Clerk

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POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

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www.ca6.uscourts.gov

Filed: March 7, 2023

Notice of Oral Argument at 9:00 a.m. (Eastern Time) on Wednesday, April 26, 2023

Mr. John J. Bursch
Alliance Defending Freedom
440 First Street, N.W., Suite 600
Washington, DC 20001

Mr. Clark Lassiter Hildabrand
Office of the Attorney General of Tennessee
P.O. Box 20207
Nashville, TN 37202-0207

Mr. Jack Starcher
Department of Justice
Computer Crime and Intellectual Property Section
950 Pennsylvania Avenue, N.W., 7515
Washington, DC 20530

Re: No. 22-5807, *State of Tennessee, et al v. Department of Education, et al*

Dear Counsel:

Your case is scheduled for oral argument at **9:00 a.m. (Eastern Time) on Wednesday, April 26, 2023**, before a three-judge panel of the Sixth Circuit Court of Appeals in Cincinnati, Ohio. The time allotted for oral argument is 15 minutes for Appellants; 15 minutes to be shared by Appellees. You may learn the names of the judges sitting on the panel by checking the Court's calendar when it is posted on www.ca6.uscourts.gov two weeks prior to argument.

Only attorneys who plan on presenting oral argument are required to file the *Oral Argument Acknowledgment form*. Please download this form from the website and file it by **March 21, 2023**.

On the day of oral argument, report to the Clerk's Office, Room 540 in the Potter Stewart United States Courthouse, located at the corner of Fifth and Walnut Streets in Cincinnati by **8:30 a.m. (Eastern Time)**. Court will convene at 9:00 a.m. Once you enter the courthouse, you must use the elevators on the Main Street (east) side to access the Clerk's Office on the fifth floor.

If you had previously requested oral argument but now wish to waive it, a motion to that effect should be filed with the court as soon as possible.

The panel may conclude, at a later date, that argument is not necessary. If that should occur, you will be notified immediately that argument is cancelled, and the case will be submitted on the briefs of the parties and the record. This possibility should be taken into account when making your travel arrangements, particularly in deciding whether to purchase refundable or non-refundable tickets for air travel.

An attorney who has been appointed under the Criminal Justice Act should make travel arrangements directly with National Travel, tel. (800) 445-0668. The Clerk's office has provided National Travel with the required Travel Authorization which pays for CJA travel the day before and day of oral argument. If you are a CJA appointed attorney and choose to make alternative arrangements, reimbursement will be limited to the lesser of the government rate for airfare or actual expenses.

Continuances of oral argument will be granted only in exceptional circumstances, upon the motion of counsel. Counsel is strongly discouraged from seeking continuances and, where such a request is to be made, the motion should be filed as soon as possible. **The filing of a motion for a continuance or to waive argument does not guarantee a ruling prior to the scheduled argument.**

Sincerely yours,

s/Karen S. Fultz
Calendar Deputy

cc: Ms. Courtney E. Albini
Mr. Timothy Belz
Mr. Brian Jeffrey Bilford
Mr. Joshua A. Block
Ms. Lauren Adams Bone
Mr. Matthew Scott Bowman
Mr. Talmadge Butts
Ms. Deborah Jane Dewart
Mr. Steven James Griffin
Mr. Peter N. Kirsanow
Mr. Gary Lawkowski
Ms. Keira McNett
Mr. Christopher Ernest Mills
Mr. Kerry Lee Morgan
Mr. Anthony R. Napolitano
Ms. Celia Howard O'Leary
Mr. William Jeffrey Olson
Mr. David Peters
Mr. Charles W Scarborough
Mr. Jonathan Andrew Scruggs
Mr. William E. Trachman
Mr. Ryan Daniel Walters