

IN THE  
SUPREME COURT OF THE UNITED STATES

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No. \_\_\_\_\_

RAYMOND SEVERSON,  
*Applicant,*

v.

HEARTLAND WOODCRAFT, INC.  
*Respondent.*

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APPLICATION TO THE HON. ELENA KAGAN  
FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE  
A PETITION FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Pursuant to 28 U.S.C. §2101(c) and Supreme Court Rules 13.5, 22, and 30.2, petitioner Raymond Severson respectfully requests an extension of time of 30 days within which to file a petition for a writ of certiorari in this matter, to and including January 18, 2018. The United States Court of Appeals for the Seventh Circuit issued its Opinion on September 20, 2017. *See* App. 1. The time to file a petition for certiorari in this Court accordingly expires on December 19, 2017. This application is being filed more than 10 days before that date.

A copy of the Seventh Circuit's opinion is attached as an exhibit hereto. The jurisdiction of this Court is based on 28 U.S.C. § 1254(1).

1. This case presents a significant question of law—namely, whether a multi-month leave of absence can ever be a “reasonable accommodation” for purposes of the Americans with Disabilities Act (the “ADA”), 42 U.S.C. § 12101, *et seq.* There is an acknowledged circuit split on this recurring and important issue. *Compare* App. 1 at 7 (holding that “a long-term leave of absence cannot be a reasonable accommodation” for purposes of the ADA); *Golden v. Indianapolis Hous. Agency*, 698 Fed.Appx. 835, 837 (7th Cir. 2017) (same); *with García-Ayala v. Lederle Parenterals, Inc.*, 212 F.3d 638, 647-50 (1st Cir. 2000) (holding that a long-term leave of absence can be a required reasonable accommodation under the ADA); *Nunes v. Wal-Mart Stores*, 164 F.3d 1243, 1247 (9th Cir. 1999) (holding that “even an extended medical leave, or an extension of an existing leave period, may be a reasonable accommodation [under the ADA] if it does not pose an undue hardship on the employer”); *Cehrs v. Ne. Ohio Alzheimer’s Research Ctr.* 155 F.3d 775, 782-83 (6th Cir. 1998) (same).

2. Good cause exists for this application. Petitioner’s lead counsel in the Seventh Circuit was Jesse R. Dill, then of Walcheske & Luzi, LLC. Mr. Dill has left that law firm and no longer is representing petitioner. James A. Walcheske of Walcheske & Luzi, LLC now is representing petitioner. In addition, Petitioner recently retained David A. Strauss and Sarah M. Konsky of the Supreme Court and Appellate Clinic at the University of Chicago Law School. Mr. Walcheske, Professor Strauss, and Professor Konsky were not involved in the district court or appellate proceedings below and therefore must familiarize themselves with the proceedings and arguments below.

3. Petitioner's counsel requires the additional requested time to research the legal issues fully and prepare an appropriate petition for consideration by this Court.

4. An extension of time will not prejudice respondent.

For the foregoing reasons, petitioner hereby requests an extension of time, to and including January 18, 2018, within which to file a petition for a writ of certiorari.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James Walcheske", is written over a horizontal line.

JAMES WALCHESKE  
*Counsel of Record*  
WALCHESKE & LUZI, LLC  
15850 W. Bluemound Road, Suite 304  
Brookfield, WI 53005  
(262) 780-1953  
jwalcheske@walcheskeluzi.com

DAVID A. STRAUSS  
SARAH M. KONSKY  
SUPREME COURT AND APPELLATE  
CLINIC AT THE UNIVERSITY OF  
CHICAGO LAW SCHOOL  
1111 E. 60th Street  
Chicago, IL 60637  
(773) 834-3190  
d-strauss@chicago.edu  
konsky@uchicago.edu