

IN THE SUPREME COURT OF THE UNITED STATES

T.B. and D.B.,

Petitioners,

v.

P.M. and C.M.,

Respondents

(Supreme Court of Iowa Case Number 17-0376)

APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR A WRIT OF CERTIORARI TO THE
IOWA SUPREME COURT

To the Honorable Neil M. Gorsuch, as Circuit Justice for the United States Court of Appeals for the Eighth Circuit and the States Located Therein:

Petitioners, T.B. and D.B., request a fourteen (14) day extension of time, to and including, May 31, 2018 on order to file their Petition for Writ of Certiorari in the above-styled matters. The Supreme Court of Iowa issued its opinion on the above-captioned matter on February 16, 2018. The case was taken by the Supreme Court of Iowa on direct review from the State District Court, and for that reasons there is no Iowa Court of Appeal decision. Copies of the Opinion and Order of the Supreme Court of Iowa are attached to this application.

Accordingly, Petitioners are currently required to file their Petition for Writ of Certiorari on or before May 17, 2018. Petitioner is filing this motion for extension of time less than ten days before the current due date for the Petition for Writ of

Certiorari due to the following emergent circumstances: The undersigned, Harold Cassidy, is the attorney who has handled the T.B. case since its inception. I am the attorney responsible for doing all of the work in preparing for and drafting the petition for certiorari. I originally expected to be able to file the petition within the period for filing by May 17. My other commitments, set forth below, were such that I could not start work on the petition until this past Monday, May 7, 2018. Under normal circumstances and despite the fact I had other obligations in other cases, that was more than enough time for me to draft and edit the petition and submit it to the printer for printing and service.

While I am in generally good health, this past Monday and throughout this week, I suffered from a very bad period of pain that was so debilitating that it interfered with my work. On three days I couldn't get to the office until late in the day. The problem I faced this past week is a new experience. It wasn't until late Thursday, May 10, that it became clear that I needed this extension of time. I only request an extension of fourteen days.

I did not, and could not, anticipate that I would need an extension in this case, and I deeply apologize to the Court for seeking this extension on short notice.

Jurisdiction is proper in this Court as set forth in 28 U.S.C. Section 1257 (a). Petitioner's Petition will address T.B.'s petition seeking review of the decision of the Iowa Supreme Court will present issues pertaining to that court's refusal to consider and decide the claims brought by T.B. on her own behalf and on behalf of her daughter for the state's violation of their Due Process and Equal Protection rights guaranteed by the Fourteenth Amendment of the U.S. Constitution. The issues arise in the

context of the state enforcing, for the first time, a surrogate mother contract when the mother determined that surrender of the child was not in the child's best interest. The main issue before this Court is whether a state court can refuse to consider the claims of violation of rights of children when the mother who carried them meets all of the requirements for standing under this Court's holdings in *Caplin & Drysdale v. United States*, 491 U.S. 617 (1989), *Craig v. Boren*, 429 U.S. 190 (1976) and *Singleton v. Wulff*, 428 U.S. 106 (1976).

The Iowa Supreme Court acknowledged that T.B. may have standing under federal constitutional law, but that she lacks such standing under Iowa law and, therefore, refused to consider the federal constitutional issues raised on behalf of the children.

The Iowa law, as articulated by the Iowa courts, violates a number of the children's Due Process liberty interests, including their interest to be free from commodification and sale, where promises of payment were made expressly conditioned upon, and to be made only after, the mother, T.B., submitted to the termination of her rights, the termination of the children's rights to their relationship with the mother who carried them, and after surrender of custody of the children. It also raised the children's right to be placed based upon their best interests, not based upon a contract, enforcement of which not only disregards the child's best interest, but one that is inherently harmful to the child. It also raised the Due Process and Equal Protection rights of the mother to be free from state promoted and state enforced exploitation – the same exploitation declared to be a human rights violation by the European Union

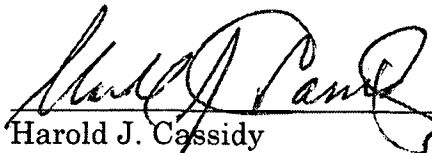
and criminalized in most of the European countries.

This case is another in a series of cases which demonstrate that there is a systemic problem with state courts and lower federal courts refusing to consider and decide claims of violation of some of the most fundamental intrinsic rights of children and women.

A petition in another case, *Melissa Cook v. Harding et al*, Docket # 17-1487, was docketed on April 30, 2018, implicates related issues arising out of the U.S. Court of appeals for the Ninth Circuit and the two petitions may be appropriate to be conferenced together.

A fourteen (14) day extension of time in this case is necessary mainly for the reasons set forth above explaining why this application was filed in less than ten days before the due date of the petition, which is May 17. However, the reason I am on a very tight schedule that only allows me to start drafting the petition only ten to eleven days before the due date, is because of the nature of my practice. While my office is in New Jersey, I have a practice that takes me to different parts of the country, having legal matters in California, South Dakota, Iowa, Kentucky, Georgia and other states in the past. While I employ three associates, I am a sole proprietor and I am responsible for all of the legal work we produce. My travel, court appearance and discovery schedules put me in a tight schedule. I have found in the past that the ten days allotted to draft the petition was quite adequate.

Respectfully submitted,



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