

**IN THE
SUPREME COURT OF THE UNITED STATES**

No. ____

THE FIRST PRESBYTERIAN CHURCH U.S.A. OF TULSA, OKLAHOMA,
and JAMES D. MILLER,

Applicants,

v.

JOHN DOE,

Respondent.

**APPLICATION TO THE HON. JUSTICE SONIA SOTOMAYOR
FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE
A PETITION FOR A WRIT OF CERTIORARI TO THE
SUPREME COURT OF THE STATE OF OKLAHOMA**

Pursuant to Supreme Court Rule 13(5), the First Presbyterian Church U.S.A. of Tulsa, Oklahoma and James D. Miller, hereby move for an extension of time of 30 days, to and including October 4, 2018, for the filing of a petition for a writ of certiorari. Unless an extension is granted, the deadline for filing the petition for certiorari will be September 4, 2018.

In support of this request, Applicants state as follows:

1. The Supreme Court of the State of Oklahoma rendered an initial decision on February 22, 2017 (Exhibit 1), issued a subsequent decision on rehearing of that initial decision on December 19, 2017 (Exhibit 2), and denied a timely petition for rehearing of that second decision on June 4, 2018 (Exhibit 3). This Court has jurisdiction under 28 U.S.C. §1254(1).

2. This case involves exceptionally important legal questions concerning the First Amendment, the doctrine of church autonomy, and the boundaries of ecclesiastical jurisdiction. After the trial court dismissed the claims here based on jurisdictional limits on the ability of courts to intrude on ecclesiastical matters, and the Oklahoma Supreme Court affirmed based on a 5-3 vote, the Oklahoma Supreme Court reversed course, this time by a 5-4 vote, and allowed the claims here to proceed. Thus, the decision below permitted secular courts to adjudicate tort and breach-of-contract actions against a church and its minister for their actions in connection with Respondent's baptism. That decision implicates important questions about the scope and jurisdictional nature of the ecclesiastical abstention and church autonomy doctrines, and will have a far-reaching impact on religious organizations and the course of future civil actions based on religious activities.

3. Applicants' Counsel of Record, Paul D. Clement, was recently retained and did not represent Applicants in the proceedings below. Because counsel is new to the case, he requires additional time to research the factual record and complex legal issues presented in this case.

4. Between now and the current due date of the petition, counsel has substantial briefing and oral argument obligations, including argument in *Int'l Bus. Machs. Corp. v. State*, No. 49A02-1709-PL-2006 (Ind. Ct. App.), and petitions for certiorari in *Kinder Morgan Energy Partners, L.P. v. Upstate Forever*, No.____ (U.S.) and *N.Y. State Rifle & Pistol Ass'n, Inc. v. City of New York*, No.____ (U.S.).

5. Applicants thus request a modest extension for counsel to prepare a petition that fully addresses the important issues raised by the decision below and frames those issues in a manner that will be most helpful to the Court.

WHEREFORE, for the foregoing reasons, Applicants request that an extension of time to and including October 4, 2018, be granted within which Applicants may file a petition for a writ of certiorari.

Respectfully submitted,



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