

In the Supreme Court of the United States

Soundboard Association,
Applicant,

v.

Federal Trade Commission,
Respondent

On Petition for Writ of Certiorari to the United States Court of Appeals for
the District of Columbia Circuit

**APPLICATION TO EXTEND TIME TO
FILE A PETITION FOR WRIT OF CERTIORARI**

Directed to the Honorable John G. Roberts, Jr., Chief Justice of the
Supreme Court of the United States and Circuit Justice for the United
States Court of Appeals for the District of Columbia Circuit

Karen Donnelly
Counsel of Record
Errol Copilevitz
Copilevitz & Canter LLC
310 W. 20th Street, Suite 300
Kansas City, MO 64108
(816) 218-1349
kdonnelly@cckc-law.com
ec@cckc-law.com

Counsel for Applicant
Soundboard Association

October 10, 2018

Rule 29.6 Corporate Disclosure Statement

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Rule 29.6 of this Court, the Soundboard Association hereby submits the following corporate disclosure statement:

Soundboard Association is a trade association of companies that make and use Soundboard, a technology that facilitates interactive, voice-assisted communication over the telephone.

Soundboard Association has no parent corporation and, being a non-stock corporation, no publicly held corporation owns 10% or more of Soundboard Association's stock.

TO THE HONORABLE JOHN G. ROBERTS, JR., CHIEF JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT:

Pursuant to Supreme Court Rules 13.5, 22, and 30, the Soundboard Association respectfully requests a 30-day extension of time to file a petition for a writ of certiorari from a final judgment of the United States Court of Appeals for the District of Columbia Circuit in *Soundboard Association v. Federal Trade Commission*, 888 F.3d 1261 (D.C. Cir. 2018) (attached as Exhibit A). The D.C. Circuit issued its order denying the petition for rehearing en banc on August 3, 2018. (Attached as Exhibit B). A petition for a writ of certiorari is currently due on November 1, 2018. The Soundboard Association requests an extension to December 3, 2018 (December 1, 2018, is a Saturday). This Court will have jurisdiction over the petition for a writ of certiorari under 28 U.S.C. § 1254(1). This application is timely because it has been filed more than ten days prior to the date on which the time for filing the petition is to expire.

The time to file a certiorari petition should be extended by an additional 30 days for the following reasons:

1. This case presents a substantial and important question of federal law: whether regulated industries have a right to judicial review under the Administrative Procedure Act of a staff advisory opinion that sets forth a new rule and an industry-crippling, speech-chilling compliance mandate and which is procedurally and substantively invalid. A split D.C. Circuit panel held below that Federal Trade Commission (“FTC”) staff advisory opinions are not final agency action and, therefore, FTC’s November 2016 Letter, which bans Soundboard calls, is not reviewable. *Soundboard Association v. FTC*, 888 F.3d 1261, 1274 (D.C. Cir. 2018). The D.C. Circuit’s holding below conflicts with established Supreme Court precedent. *See Sackett*

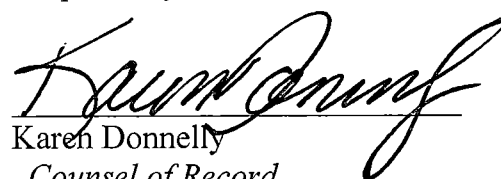
v. EPA, 566 U.S. 120 (2012); *United States Army Corps of Eng'rs v. Hawkes Co.*, 136 S. Ct. 1807 (2016); *Abbott Labs. v. Gardner*, 387 U.S. 136 (1967); *Frozen Food Express v. United States*, 351 U.S. 40 (1956).

2. Copilevitz & Canter, LLC is a small law firm. Karen Donnelly is counsel of record for the petitioner in this matter. Due to complications with pregnancy, Donnelly was placed on bed rest for two weeks in September 2018. Donnelly has returned to the office but is unable to work full-time at this time. Given the limited resources of the Firm and the medical restrictions facing counsel of record, petitioners respectfully request an additional 30 days to file its petition for certiorari.

3. Donnelly received notification of admission to practice before the United States Supreme Court on Thursday, October 4, 2018 and filed this application as soon as possible following notification of admission and setting up an e-filing account.

For the foregoing reasons, the Soundboard Association requests a 30-day extension of time in which to file a petition for a writ of certiorari.

Respectfully submitted,



Karen Donnelly

Counsel of Record

Errol Copilevitz

Copilevitz & Canter, LLC

310 W. 20th Street, Suite 300

Kansas City, MO 64108

(816) 218-1349

kdonnelly@cckc-law.com

Counsel for Applicant

Soundboard Association