

No. ---

In The
SUPREME COURT OF THE UNITED STATES

JANICE HERBERT BARBER,
Jennifer Valois, John H. Fairbanks, M.D.,
Pierce D. Nunley, M.D., John Logan, M.D.,
John Faulkner, Darrell Cormier, Peggy Edwards,
Joan Savoy, Karin Frierson, and
Vanessa Arnold,

Petitioners,

v.

LOUISIANA WORKFORCE COMMISSION,
Louisiana Office of Workers' Compensation,
Christopher Rich, M.D., Wes Hataway, and
Curt Eysink

Respondents

APPLICATION FOR EXTENSION OF TIME
TO FILE PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

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To the Honorable Samuel A. Alito, Jr., Associate Justice of the Supreme Court of the United States and Circuit Justice for the Fifth Circuit:

Petitioners Janice Herbert Barber, et al., pray for a 30-day extension of time to file their petition for certiorari in this Court, to and including June 18, 2019. The final judgment of Louisiana First Circuit Court of Appeal was rendered on October 19, 2018. A timely application for writ of certiorari and/or review was denied by the Supreme Court of Louisiana on February 18, 2019. Petitioners' time to petition for certiorari in this Court expires on May 19, 2019. This application is being filed more than 10 days before that date.

A copy of the opinion below is attached hereto. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

As shown by the opinion below, this case concerns the standards and procedures under the Louisiana workers' compensation system for the administrative adjudication of claims, by or on behalf of injured workers, for payments for medical benefits. When a medical provider concludes that an injured worker needs certain treatment, the provider ordinarily must obtain prior approval of that treatment from the relevant insurance carrier or the administrator of a self-insured employer's plan. If that approval is denied, review of that decision can be sought from the Medical Director of the Office of Workers' Compensation (OWC) Administration. The carrier or administrator may submit to the Medical Director evidence in support of its decision to refuse to pay for the treatment; neither the claimant-worker nor the medical

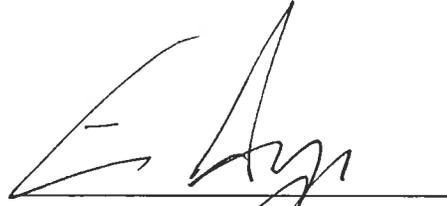
provider, however, are permitted to offer to the Medical Director evidence, objections or argument in response to the evidence or arguments of the carrier or administrator. The claimant-worker is not entitled to access to the submission made by the medical provider. If the Medical Director upholds the denial, the Director's decision is subject to limited review by an OWC judge. In certain regions of Louisiana, including New Orleans, the claimant and medical provider are not permitted to offer evidence or objections to the OWC judge. Plaintiffs contend that these practices violate the right to procedural and substantive due process guaranteed by the Fourteenth Amendment. Those constitutional claims were expressly presented to, and resolved by, the Louisiana courts. This case presents important issues about the Due Process requirements applicable to the administrative adjudication of monetary claims.

Petitioners were represented in the courts below by local counsel in Louisiana. Because of the distinctive issues and procedures in this Court, petitioners have recently retained as additional counsel Eric Schnapper of Seattle, Washington. Mr. Schnapper requires additional time to familiarize himself with the record and the Louisiana administrative procedures and standards at issue, and to perform the necessary legal research, so that the petition may be properly framed and argued in this Court.

Wherefore petitioners respectfully request that an order be entered extending their time to petition for certiorari to and including June 18, 2019.

Respectfully submitted,

May 3, 2019

A handwritten signature in black ink, appearing to read "Eric Schnapper", written over a horizontal line.

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