

No. 18-\_\_\_\_\_

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In The  
SUPREME COURT OF THE UNITED STATES  
October Term 2018

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McLeod Health, Inc.,  
*Applicant/Petitioner,*  
v.  
Equal Employment Opportunity Commission,  
*Respondent.*

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Application for an Extension of Time to  
File a Petition for a Writ of Certiorari to the  
United States Court of Appeals for the Fourth Circuit

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**APPLICATION TO THE HONORABLE  
CHIEF JUSTICE JOHN G. ROBERTS, JR.,  
AS CIRCUIT JUSTICE**

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June 25, 2019

**Attorneys for Applicant/Petitioner**

## **APPLICATION FOR AN EXTENSION OF TIME**

Pursuant to Rule 13.5 of the Rules of this Court, Applicant McLeod Health, Inc., hereby requests a 60-day extension of time within which to file a petition for a writ of certiorari up to and including Tuesday, September 3, 2019.

## **JUDGMENT FOR WHICH REVIEW IS SOUGHT**

The judgment for which review is sought is *Equal Employment Opportunity Commission v. McLeod Health, Inc.*, No. 17-2335 (Jan. 31, 2019) (attached as Exhibit 1); the Fourth Circuit denied Applicant's petition for rehearing and rehearing en banc on April 5, 2019 (attached as Exhibit 2).

## **PARTIES TO THE PROCEEDING AND CORPORATE DISCLOSURE STATEMENT PURSUANT TO RULE 29.6**

The case caption contains the names of all the parties. Applicant/Petitioner McLeod Health, Inc. is not a publicly held corporation or other publicly held entity and does not have any parent corporations. No publicly held corporation or other publicly held entity holds 10% or more of the stock of Applicant/Petitioner McLeod Health, Inc.

## **JURISDICTION**

This Court will have jurisdiction over any timely filed petition for certiorari in this case pursuant to 28 U.S.C. § 1254(1). Under Rules 13.1, 13.3, and 30.1 of the Rules of this Court, a petition for a writ of certiorari is due to be filed on or before July 5, 2019. In accordance with Rule 13.5, this application is being filed more than 10 days in advance of the filing date for the petition for a writ of certiorari.

## REASONS JUSTIFYING AN EXTENSION OF TIME

Applicant respectfully requests a 60-day extension of time within which to file a petition for a writ of certiorari seeking review of the decision of the United States Court of Appeals for the Fourth Circuit in this case, up to and including September 3, 2019.

The parties are actively engaging in settlement negotiations, including negotiations surrounding the terms of a proposed consent decree. The parties are optimistic about the likelihood of success in the settlement negotiations. However, the parties will not be able to finalize the terms of a settlement until after the current deadline for Applicant's petition for a writ of certiorari (July 5, 2019). The requested extension will allow the parties to continue to engage in settlement negotiations in good faith and attempt to consummate a resolution that will render moot the filing of a petition for a writ of certiorari.

## CONCLUSION

For the foregoing reasons, Applicant respectfully requests that this Court grant an extension of 60 days, up to and including September 3, 2019, within which to file a petition for a writ of certiorari in this case.

Respectfully submitted,

*Michael M. Shetterly*

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June 25, 2019

**Attorneys for Applicant/Petitioner**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 25th day of June, 2019, the above Application for an Extension of Time to File a Petition for a Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit was served on the following:

Solicitor General of the United States, Room 5616  
Department of Justice  
950 Pennsylvania Ave., N. W., Washington, DC 20530-0001  
*Via Federal Express Overnight Delivery*

Rachael S. Steenbergh-Tideswell  
U.S. Equal Employment Opportunity Commission  
Charlotte District Office  
129 West Trade Street, Suite 400  
Charlotte, NC 28202  
*Via Federal Express Overnight Delivery and E-Mail*

*Michael M. Shetterly*  
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