

No. \_\_\_\_\_

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

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MARGARET HERSTER AND SCOTT SULLIVAN

*Applicant-Petitioner*

v.

BOARD OF SUPERVISORS OF LOUISIANA STATE  
UNIVERSITY, ET AL

*Respondent-Defendants*

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

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**TO THE HONORABLE SAMUEL A. ALITO, ASSOCIATE JUSTICE OF  
THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT  
JUSTICE FOR THE FIFTH CIRCUIT:**

Pursuant to Supreme Court Rules 13.5, 22, and 30, Petitioners Margaret Herster and Scott Sullivan respectfully request a 60-day extension of time, up to and including September 30, 2018, to file a petition for a writ of certiorari to the United States Court of Appeals for the Fifth Circuit to review that court's decision in *Herster v. LSU Board of Supervisors, et al.*, 72 F.3d \_\_ (5th Cir. 2018) (attached).

Petitioner intends to file a petition seeking review of this judgment with the jurisdiction of this Court invoked under 28 U.S.C. § 1254(1). Absent an extension, the time to file a petition for a writ of certiorari will expire on August 2, 2018. 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.

1. This case presents a substantial and important question of federal law: Whether Title VII's "direct evidence" standard requires a defendant to explicitly identify a plaintiff's sex in motivating discriminatory treatment. The Fifth Circuit's suggestion in the case below that such an explicit link is required deviates from established precedent in other circuits. Moreover, the Fifth Circuit further expanded the doctrinal gulf between circuits by interpreting *McDonnell Douglas* as requiring comparators be "nearly identical" rather than "substantially similar."

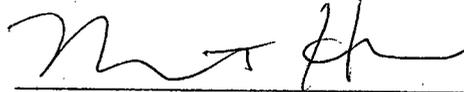
2. Robb Campbell, the counsel of record for petitioners in the

proceedings below has a previously calendared jury trial that precludes his ability to dedicate the necessary time to prepare the petition for certiorari in this case. In light of this conflict and Mr. Campbell's experience and expertise focuses on trial practice, Petitioner is in the process of securing new representation for the Supreme Court stage of this case. Should Petitioners be unable to identify appropriate counsel, each would be proceeding pro se and likewise would require additional time for preparation and coordination. Granting this extension will ensure sufficient preparation time to enable clear and cogent presentation of the issues in the submitted petition for certiorari.

Accordingly, the petitioners respectfully request that an order be entered extending the time to file a petition for a writ of certiorari for 60 days, up to and including September 30, 2018.

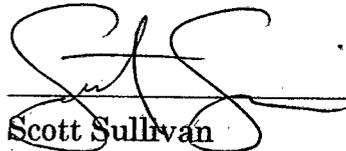
Dated: June 29, 2018

Respectfully Submitted,



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