

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

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IN THE  
**Supreme Court of the United States**

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STEPHEN BUSCH, MICHAEL PRYSBY, LIANE SHEKTER SMITH, AND BRADLEY WURFEL,  
*Petitioners,*

v.

SHARI GUERTIN, *ET AL.*,  
*Respondents.*

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**APPLICATION TO THE HONORABLE SONIA SOTOMAYOR FOR AN  
EXTENSION OF TIME WITHIN WHICH TO FILE  
A PETITION FOR A WRIT OF CERTIORARI TO  
THE UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

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CHARLES E. BARBIERI  
ALLISON M. COLLINS  
FOSTER, SWIFT, COLLINS & SMITH  
313 S. Washington Square  
Lansing, MI 48933  
(517) 371-8155  
CBarbieri@fosterswift.com  
*Counsel for Prysby*

MICHAEL JOHN PATTWELL  
JAY M. BERGER  
CLARK HILL PLC  
500 Woodward Ave., Suite 3500  
Detroit, MI 48226  
(517) 318-3043  
mpattwell@clarkhill.com  
*Counsel for Wurfel*

JOHN J. BURSCH  
*Counsel of Record*  
BURSCH LAW PLLC  
9339 Cherry Valley Avenue SE, #78  
Caledonia, Michigan 49319  
(616) 450-4235  
jbursch@burschlaw.com  
*Counsel for Petitioners*

PHILIP A. GRASHOFF, JR.  
SMITH HAUGHEY RICE ROEGGE  
100 Monroe Center NW  
Grand Rapids, MI 48304  
(616) 458-3633  
pgrashoff@shrr.com  
*Counsel for Busch*

THADDEUS E. MORGAN  
MICHAEL H. PERRY  
FRASER TREBILCOCK  
124 W. Allegan Street, Suite 1000  
Lansing, MI 48933  
(517) 377-0877  
tmorgan@fraserlawfirm.com  
*Counsel for Shekter Smith*

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Petitioners Stephen Busch, Michael Prysby, Liane Shekter Smith, and Bradley Wurfel move under Supreme Court Rule 13(5) for a 60-day extension of time to file their petition for a writ of certiorari to review the decision of the United States Court of Appeals for the Sixth Circuit dated January 4, 2019. The Sixth Circuit denied a timely petition for rehearing and for rehearing *en banc* on May 16, 2019, in a deeply divided decision that included five dissenters and four judges concurring but deeply troubled by the panel majority's opinion. With the 30-day extension, the petition will be due September 13, 2019. This Court has jurisdiction under 28 U.S.C. § 1254(1).

1. Absent an extension, the petition for writ of certiorari is due August 14, 2019. This application is being filed more than 10 days before the due date.

2. Petitioner's Counsel of Record in this case, John J. Bursch, has numerous recently concluded and upcoming matters in this Court and other courts, including: the filing of an application for leave to appeal in the Michigan Supreme Court on July 2, 2019 (*United Educators v. Ostendorf*, Nos. 159865, 159866, 159867); the filing of an amicus brief in this Court on July 8, 2019 (*Price v. City of Chicago*, No. 18-1516); an argument in the Michigan Supreme Court on July 17, 2019 (*In re House of Representatives Request for Advisory Opinion Regarding Constitutionality of 2018 PA 368 & 369*, Nos. 159160, 159201); the filing of a petition for certiorari in this Court on July 22, 2019 (*Thompson v. Hebdon*, No. 18A-1132); the filing of a petition for rehearing *en banc* in the United States Court of Appeals for the Eleventh Circuit on July 22, 2019 (*Uzuegbunam v. Preczewski*, No.

18-12676); the filing of briefs both supporting and opposing dispositive motions regarding the validity of legislation in the Michigan Court of Claims on July 31, 2019 (*Michigan Senate and Michigan House of Representatives v. Benson*, No. 19-000092-MZ)); the filing of a merits brief in this Court on August 16, 2019 (*R.G. & G.R. Harris Funeral Homes v. E.E.O.C. et al*, No. 18-107); the filing of a petition for certiorari in this Court on August 26, 2019 (*Thomas More Law Center v. Becerra*, No. 18A-1268); the filing of an amicus brief in the Washington Supreme Court on August 26, 2019 (*Woods v. Seattle's Union Gospel Mission*, No. 96132-8); the filing of a petition for certiorari in this Court on September 4, 2019 (*State of Washington v. Arlene's Flowers, Inc.*, Wash. Sup. Ct. No. 91615-2); the filing of a merits brief in the United States Court of Appeals for the Ninth Circuit on September 29, 2019 (*Wilford v. National Education Association*, No. 19-55712); and preparing for a merits argument in this Court on October 8, 2019 (*R.G. & G.R. Harris Funeral Homes v. E.E.O.C. et al*, No. 18-107), among many other things.

3. The instant case presents substantial issues of law arising out of the alleged "Flint water crisis," among which are:

- 1) Whether the 14<sup>th</sup> Amendment right to "bodily integrity" extends to a protection by state regulators from a foreseeable risk of harm from exposure to contaminants in public drinking water.
- 2) If so, whether such a bodily-integrity right was clearly established at the time the defendant officials were fulfilling their official duties.

4. Petitioner's counsel requires the additional requested time to fully research the legal issues and to prepare an appropriate petition for consideration by this Court.

5. No meaningful prejudice would arise from granting the extension. The mandate already has issued in this case, and it is not stayed.

For the foregoing reasons, Petitioner hereby requests that an extension of time to and including September 13, 2019, be granted within which Petitioner may file a petition for a writ of certiorari.

Respectfully submitted,



JOHN J. BURSCH  
*Counsel of Record*  
BURSCH LAW PLLC  
9339 Cherry Valley Avenue SE, #78  
Caledonia, Michigan 49319  
(616) 450-4235  
jbursch@burschlaw.com  
*Counsel for Petitioners*

CHARLES E. BARBIERI  
ALLISON M. COLLINS  
FOSTER, SWIFT, COLLINS & SMITH  
313 S. Washington Square  
Lansing, MI 48933  
(517) 371-8155  
CBarbieri@fosterswift.com  
*Counsel for Prysby*

MICHAEL JOHN PATTWELL  
JAY M. BERGER  
CLARK HILL PLC  
500 Woodward Ave., Suite 3500  
Detroit, MI 48226  
(517) 318-3043  
mpattwell@clarkhill.com  
*Counsel for Wurfel*

PHILIP A. GRASHOFF, JR.  
SMITH HAUGHEY RICE ROEGGE  
100 Monroe Center NW  
Grand Rapids, MI 48304  
(616) 458-3633  
pgrashoff@shrr.com  
*Counsel for Busch*

THADDEUS E. MORGAN  
MICHAEL H. PERRY  
FRASER TREBILCOCK  
124 W. Allegan Street, Suite 1000  
Lansing, MI 48933  
(517) 377-0877  
tmorgan@fraserlawfirm.com  
*Counsel for Shekter Smith*

July 23, 2019