

No. 19A253

FILED

SEP 9 3 2019

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SUPREME COURT U.S.

IN THE SUPREME COURT OF THE UNITED STATES

DAVID JOHNSON, individually and on behalf  
of similarly situated individuals,  
*Plaintiff-Petitioner,*

v.

UNITED AIRLINES, INC., et al.  
*Defendants-Respondents*

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APPLICATION TO THE HONORABLE BRETT M. KAVANAUGH FOR AN  
EXTENSION OF TIME WITHIN WHICH TO FILE A PETITION FOR WRIT  
OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR  
THE SEVENTH CIRCUIT

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*Attorneys for Plaintiff-Petitioner, David Johnson, and the putative class*

Plaintiff Petitioner David Johnson, through his attorneys, moves under Supreme Court Rule 13(5) for a 60-day extension of time to file his Petition for Writ of Certiorari to review the decision of the United States Court of Appeals for the Seventh Circuit in the matter of *Johnson v United Airlines, Inc., et al.*, No. 19-1785 (June 13, 2019). With the 60-day extension, the petition will be due December 12, 2019. This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

1. Absent an extension, the Petition for Writ of Certiorari is due September 12, 2019. This application is timely pursuant to Supreme Court Rules 13(5) and 30, because September 3, 2019 is the first business day following Labor Day, the federal holiday on September 2, 2019, which would otherwise be the deadline for seeking an extension under Supreme Court Rule 13(5). This is Petitioner's first request for an extension of time.

2. The instant matter presents substantial issues of law involving complex subject matter, including:

- a. Whether the state biometric privacy rights conferred by the Illinois Biometric Information Privacy Act, 740 ILCS 14/1, *et seq.* ("BIPA"), are preempted by the Railway Labor Act, 45 U.S.C. § 151(a), and
- b. Whether adjudication of the state biometric privacy rights conferred by BIPA requires interpretation of the collective bargaining agreement between Petitioner and Respondents.

3. The press of other matters before this and other courts makes the submission of the Petition for a Writ of Certiorari difficult absent an extension of

time. Petitioner's counsel of record, McGuire Law, P.C., has numerous recently concluded and upcoming matters in this Court and other state and federal courts, including, among other matters: a response in opposition to the Petition for a Writ of Certiorari filed in *City of Flint, Michigan, et al., Petitioners v. Shari Guertin, et al.*, No. 19-205, and a response in opposition to the forthcoming Petition to be filed in connection with *Stephen Busch, et al., Applicants v. Shari Guertin, et al.*, No. 19A111; full-day mediations which concluded on August 20, 2019 and August 22, 2019, respectively; the filing of a memorandum of law in support of a petition for appointment as lead counsel pending in the Northern District of Illinois on August 27, 2019 in *Figueroa, et al., v. Kronos Incorporated*, 2019-cv-01306 (N.D. Ill.); a hearing on a motion to dismiss in the Chancery Division of the Circuit Court of Cook County, Illinois on September 6, 2019 in *Bolds v. Arro Corporation, et al.*, 2018-CH-01811 (Ill. Cir. Ct. Cook Cnty.); and a hearing on a motion for consolidation in the Chancery Division of the Circuit Court of Cook County, Illinois on September 11, 2019 in *Bernal v. ADP, LLC*, 2017-CH-12364 (Ill. Cir. Ct. Cook Cnty.).

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 this extension. This matter is not currently stayed, so no delay of any pending proceedings would result from the requested extension.

Dated: September 3, 2019

Respectfully submitted,

DAVID JOHNSON, individually and  
on behalf of others similarly situated

By: /s/   
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*One of the Attorneys for Plaintiff-  
Petitioner*

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