

No. _____

In the Supreme Court of the United States

ANNICK ROY, as special administrator of THE ESTATE OF JEAN-GUY VEILLEUX, deceased;
et al,
Applicants,

MAURICE GAGNE; et al,
Plaintiffs,

v.

CANADIAN PACIFIC RAILWAY COMPANY,
Defendant-Respondent,

SOO LINE RAILROAD COMPANY, d/b/a Canadian Pacific Railway; DELAWARE AND HUDSON
RAILROAD COMPANY INC., d/b/a Canadian Pacific Railway; DAKOTA MINNESOTA AND
EASTERN RAILROAD CORPORATION, d/b/a Canadian Pacific Railway; CANADIAN PACIFIC
RAILWAY LIMITED,
Defendants.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

**APPLICATION 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 FIRST CIRCUIT**

MATTHEW W.H. WESSLER
Counsel of Record
GUPTA WESSLER PLLC
2001 K St NW
Suite 850 North
Washington, DC 20006
(202) 888-1741
matt@guptawessler.com

Counsel for Applicants

November 23, 2021

In the Supreme Court of the United States

ANNICK ROY, as special administrator of THE ESTATE OF JEAN-GUY VEILLEUX, deceased; individually and as next friend of minor, F.R.V.; SAMUEL AUDET; BELAND AUDET; EMANUEL BAILLARGEON; SANDRA BAILLARGEON; JEAN BOYLE BARRETT BEAUDOIN; GABRIEL BEAUDOIN; JOCELYN BEAUDOIN; RAYMOND BEAUDOIN; YVES BERNIER; GERARD BOLDUC; MARIE CLAUDE BOUCHARD; MICHEL BOUCHARD; SUZIE BOUCHARD; PIERRETTE BOUCHER LAFONTAINE; ROUVILLE BOUCHER; MICHEL BOULANGER; DANIEL BOULE; PIERRE BOULET; PIERRETTE BOULET; HELENE BOURGEOIS; GHISLAIN CHAMPAGNE; LINE CHAMPAGNE; DENIS CHAREST; PASCAL CHAREST; DANIEL CHARRIER; SYLVAIN COTE; ANNETTE DOYON; DENISE DUBOIS; MARTIAL DUPIUIS; SERGE FAUCHER; YVES FAUCHER; LEA FAVREAU; FRANCE FORTIER; YANNICK GAGNE; DANIEL GENDRON; MELANIE GERHARD; GRAVURE MEGANTIC; MARIO GRIMARD; GROUP EXCA INC.; NANCY GUAY; ERIC JOUBERT; JEANNOT LABRECQUE; DANIELLE LACHANCE; LUCILLE LACHANCE; PIERRETTE LACHANCE; SYLVIE LACROIX; ANGELIQUE LAFONTAINE; ANNA LAFONTAINE; CHRISTIAN LAFONTAINE; CLEMENT LAFONTAINE; EXCA LAFONTAINE; JONATHAN LAFONTAINE; JOSIE LAFONTAINE; LISA LAFONTAINE; LUC LAFONTAINE; MARILOU LAFONTAINE; ROSEMARY LAFONTAINE; LOUISE LAJEUNESSE; GUILLAUME LAPIERRE; HENRIETTE LATULIPPE; MARCEL LAVOIE; MAYLA; MARCHE VALIQUETTE LTEE; JOSEE MORIN; CLEMENT PEPIN; YANNICK PEPIN; FRANCE PICARD; LOUISETTE PICARD; MATHIEU PICARD; CLAUDE PLANTE; MANON RODRIGUE; DORIS ROY; GARAGE JEAN ROY; JEAN-GUY ROY; GINETTE ROY; JULIE ROY; SERVICES ESTHTIQUES MALYA; BERNARD ST-HILAIRE; BILLY TURCOTTE; CELINE TURCOTTE; MARC VACHON; LOUISE VALIQUETTE; PHILIPPE VALIQUETTE; RENE BOUTIN; SOPHIE BOUTIN; ROXANNE BOUTIN; CAROLINE TREMBLAY, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF GUY BOLDUC, DECEASED; AS NEXT FRIEND OF S.B., A MINOR; AND AS NEXT FRIEND OF A-C.B., A MINOR; JACQUES BOLDUC; SOLANGE GAUDREAU; MARIO BOLDUC; CYNTHIA BOULE, individually and as representative of the estate of sylvie charron, deceased; and as next friend of A.B., A MINOR; JEAN-GUY BOULE; THERESE POULIOT, individually and as representative of the estate of real custeau, deceased; SIMON CUSTEAU, individually and as next friend of J.C., a minor; SONIA PEPIN; RICHARD CUSTEAU; SYLVIE CUSTEAU, individually and as representative of the estate of SUZANNE CUSTEAU, deceased; MICHAEL CUSTEAU; KARINE LAFONTAINE; REJEAN CUSTEAU; CLAUDE TURMEL; KATHLEEN BEDARD; KIM TURMEL, individually and as next friend of A.L., a minor; as next friend of M.L., a minor; as next friend of L-A.N., a minor and as next friend of E.N., a minor; JOSEE BOLDUC; VINCENT NADEAU; GUYLAINE ST-LAURENT, as representative of the estate of NATACHAT GAUDREAU, deceased; JOANIE TURMEL; CHANTAL GAUDREAU; FRANCOIS POULIN, individually and as representative of the estate of LUCIE VADNAIS, deceased; ESTEL BLANCHET; SYLVIE VADNAIS; PAULINE THEBERGE; ELISABETH VADNAIS; DIANE GIROUX RODRIGUE, as representative of the estate of JACQUES GIROUX,

DECEASED; MARIE-EVE POULIN; ANDRE GIROUX; SERGE MORIN, individually and as co-representative of the estate of KAVEN MORIN, deceased; RAYMOND LAPOINTE; NANCY DUCHARME, individually and as co-representative of the estate of KAVEN MORIN, deceased; JOANNIE LAPOINTE; KATHLEEN MORIN; LUCIE BOUTIN; MICHAEL VALLERAND; GENEVIEVE BRETON; GINETTE DOSTIE; TAXI MEGANTIC ENR; FIDUCIE FAMILIALE FRANCOIS JACQUES, individually and on behalf of the estate of DOMINIK LEBLANC; SOCIETE DE GESTION JEAN-PIERRE JACQUES INC.; DUBE EQUIPMENT DE BUREAU INC.; 9020-1468 QUEBEC INC.; VIA BEAUTE SANTE ENR; BOLDUC CHAUSSURES LTE; CLINIQUE DENTAIRE MARIE-PIER DUBE INC.; MICHEL CHARLAND; SOCIETE EN COMMANDITE PROJET SHIER; JEAN VADNAIS; ISABELLE BEAUDRY; CLERMONT PEPIN, as special administrator of the estate of ERIC PEPIN-LAJEUNESSE, deceased; PASCAL LAFONTAINE, as special administrator of the estate of KARINE LAFONTAINE, deceased; LOUISE COUTURE; MARIO SEVIGNY; MARC-ANTOINE SEVIGNY; LOUISE BRETON; GINETTE CAMERON; MANON BOLDUC; SANDY BEDARD, as special administrator of the estate of MICHEL GUERTIN, JR.; HERBERT RATSCH, as special administrator of the estate of WILLFRIED HEINZ RATSCH, deceased; GENEVIEVE DUBE; MICHELLE GABOURY, as special administrator of the estate of KEVIN ROY, deceased; GASTON BEGNOCHE, as special administrator of the estate of TALITHA COUMI BEGNOCHE, deceased; DAVE LAPIERRE; MARIE-EVE LAPIERRE; LISETTE BOLDUC; STEVE BOLDUC; MAUDE FAUCHER; KARINE PAQUET; GUY PAQUET, as special administrators of the estate of ROGER PAQUET, deceased; JACQUES MARTIN; SOLANGE BELANGER, as special administrator of the estate of JIMMY SIROIS, deceased; GUY BOULET; ELISE DUBOIS-COUTURE, as special administrator of the estate of DAVID LACROIX-BEAUDOIN, deceased; LILY RODRIGUE; REJEAN ROY, as special administrator of the estate of MLISSA ROY, deceased; ALEXIA DUMAS-CHAPUT, as special administrator of the estate of MATHIEU PELLETIER, deceased; THERESA POULAN DUBOIS, as special administrator of the estate of DENISE DUBOIS, deceased; CHRISTIANE MERCIER, as special administrator of the estate of MARIANNE POULIN, deceased; ROBERT PICARD; JUSTINE LAPOINTE; ERIC BILODEAU, as special administrator of the estate of KARINE CHAMPAGNE, deceased; MICHELINE VEILLEUX; RICHARD TURCOTTE, as special administrator of the estate of ELODIE TURCOTTE, deceased; MARIE-JOSEE GRIMARD, as special administrator of the estate of HENRIETTE LATULIPPE, deceased; ALAINE BIZIER, individually and as representative of the estate of DIANE BIZIER, deceased; STEVE ROY, individually and on the behalf of minor Y.R.; ISABELLE BOULANGER, individually and as representative of the estate of FREDERIC BOUTIN, deceased; COLETTE LACROIX BOULET; JOANNE PROTEAU, as special administrator of the estate of MAXIME DUBOIS, deceased; GABRIELLE LAPOINTE; HELEN LYNN BARRETT BEAUDOIN; MALYA; PIERRE PICARD; BOUTIQUE DE LA GARE INC.,
Applicants,

MAURICE GAGNE; JACQUES GRENIER; BAR LAITIER; JOSEE LAJEUNESSE; LAMBREQUIN; LISA FLEURY LARANGE; LOGI-BEL; MARCHE METRO; ANDRE MARTIN; MELISSA ROBERT, individually and as next friend of ELYKA RICHARD and MEGANE RICHARD; MUSI-CAFE; NETTOYEUR MODERNE SENC; MELANIE POIRER; POULET FRIT IDEAL; PATRICK

RODRIGUE; JEAN TANGUAY; THE HERITAGE BUILDING; JEAN-YVES FORTIN; ERIC LAVALLEE; ANNIE-JULIE BLAIS; JACQUES DUBE; GERALD RODRIGUE; CLAUDETTE RODRIGUE; JULIE HAMEL, individually and as next friend of NATHAN FOUQUET; FREDERIC FOUQUET; LORRAINE BEAUDOIN-LANGLOIS; 9219-0610 QUEBEC INC, d/b/a Ariko Restaurant & Bar; MIRKO COUTURE; JEAN-FRANCOIS DROUIN; MARIE-CLAUDE PEPIN-VERDO; SYLVAIN RANCOURT; CLEMENTE RANCOURT; NICOLE LAPIERRE; ANTOINE LECLERC; CLAUDE CHARRON; PHARMACIENS INC.; VARIETE CLAUDE CHARRON INC; VARIETE CLAUDE CHARRON; CENTRE FUNERAIRE JACQUES ET FILS INC.; JEAN-PIERRE JACQUES; FRANCOIS JACQUES; CAROL BEGIN; JEAN DUBE; ANDRE FLUET DUBE; PASCAL HALLE; ANGELE GODBOUT; DENISE POULIN; DENIS BOLDUC; MARIE-PIER DUBE, individually and as next friend of L.C., a minor, and as next friend of X.C., a minor; JACQUES LAPRISE; STEVEN HALLE; GESNER BLENKHORN; ANDRE VALIQUETTE; PASCALE LACROIX; GORDON BEAUDOIN; FORCE ACTION NUTRITION,
Plaintiffs,

v.

CANADIAN PACIFIC RAILWAY COMPANY,
Defendant-Respondent,

SOO LINE RAILROAD COMPANY, d/b/a Canadian Pacific Railway; DELAWARE AND HUDSON RAILROAD COMPANY INC., d/b/a Canadian Pacific Railway; DAKOTA MINNESOTA AND EASTERN RAILROAD CORPORATION, d/b/a Canadian Pacific Railway; CANADIAN PACIFIC RAILWAY LIMITED,
Defendants.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

**APPLICATION 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 FIRST CIRCUIT**

TO: The Honorable Stephen Breyer, Associate Justice of the United States Supreme Court and Circuit Justice for the United States Court of Appeals for the First Circuit

Applicants respectfully request a 48-day extension of time within which to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the First Circuit in this case, to and including January 24, 2022. The First Circuit issued its

opinion on June 2, 2021, and then denied the petition for rehearing on September 8, 2021. This application is being filed on November 23, 2021—more than 10 days before the petition for certiorari is due. *See* S. Ct. R. 13.5. No previous application for an extension has been made. The jurisdiction of this Court would be invoked under 28 U.S.C. § 1254(1). A copy of the First Circuit’s opinion and order on rehearing is attached.

The applicants’ counsel has been heavily engaged with other appellate matters, including arguments and multiple unexpected briefs at the rehearing- and 23(f)-stages in the federal Courts of Appeal. Counsel also has multiple forthcoming oral arguments and multiple briefs due in this Court and the Courts of Appeal throughout the months of December and January. An extension of time is appropriate to allow the applicants’ counsel, consistent with these professional obligations, to properly research, prepare, and print the petition.

1. This case involves an important question regarding one of the nation’s most complicated and intricate statutory schemes—the Bankruptcy Code. This Court has warned that judicial rewriting of this “complex terrain of interconnected provisions and exceptions” threatens “ripple effects” within the “broader bankruptcy scheme.” *Hall v. United States*, 566 U.S. 506, 523 (2012). Even “compelling policy reasons,” the Court has held, do not justify judicially reinterpreting the Bankruptcy Code. *Id.*

2. In this case, the First Circuit did exactly what this Court warned against. Rule of Bankruptcy Procedure 1001 provides that the bankruptcy rules only “govern procedure *in cases under title 11* of the United States Code.” Fed. R. Bank. P. 1001 (emphasis added). Yet the First Circuit held that the applicants’ state-law claims—claims for wrongful death

that by statute cannot even be heard in bankruptcy court—were nonetheless governed by the Rules of Bankruptcy Procedure, not the Rules of Civil Procedure, because they were merely “related to” a non-party bankruptcy debtor in another case.

3. The First Circuit concluded that Rule 1001’s language is “not dispositive” on the question of when the bankruptcy rules apply, holding that the phrase “cases under title 11” “does not compel either a broad or a narrow reading.” App. at 14. After applying canons of construction and considering statutory purpose, however, the First Circuit opted for a “broad construction,” holding that “cases under title 11” also includes proceedings “related to” those cases. App. at 12, 19–20; *see* 28 U.S.C. § 1334(b). The First Circuit acknowledged that this result was not compelled by the text but was instead driven by its view that uniform application of the bankruptcy rules to cases “related to” bankruptcy would be more “efficient.” App. at 16.

4. The First Circuit’s novel holding, however, cannot be squared with the plain text of the rule itself. *United States v. Ron Pair Enters.*, 489 U.S. 235, 240–41 (1989) (Where the bankruptcy laws are “coherent and consistent, there generally is no need for a court to inquire beyond the plain language.”). As used in the Bankruptcy Code, the phrase “cases under title 11” is a term of art with a clearly defined meaning—it means “the bankruptcy petition itself.” *In re Marcus Hook Dev. Park, Inc.*, 943 F.2d 261, 264 (3d Cir. 1991) (quoting *Matter of Wood*, 825 F.2d 90, 92 (5th Cir. 1987)). It is a core concept in bankruptcy law that itself serves to delineate other core concepts like the “debtor” and the “estate,” the scope of federal jurisdiction, and the power of bankruptcy judges. Rule 1001 must be read consistently with that established term of art. As even the First Circuit recognized, “the

drafters of the rule must have been aware” of how Congress used the phrase. App. at 14. Indeed, the rule just repeats verbatim the language Congress used in authorizing the Supreme Court to prescribe “practice and procedure in cases under title 11.” 28 U.S.C. § 2075. It would exceed that grant of federal authority to give the phrase “cases under title 11” in Rule 1001 a broader meaning than the one Congress attributed to it. *See Hanna v. Plumer*, 380 U.S. 460, 471 (1965).

5. The First Circuit’s decision not only contradicts the Bankruptcy Code’s plain text, but it also sparks a circuit split. The circuits have uniformly held that the word “case” “is a term of art in the bankruptcy context [...] that is well-understood.” *In re Caldor Corp.*, 303 F.3d 161, 168 (2nd Cir. 2002). As explained above, it “refers merely to the bankruptcy petition itself.” *Marcus Hook*, 943 F.2d at 264; *see also Caldor Corp.*, 303 F.3d at 168; *In re Wolverine Radio Co.*, 930 F.2d 1132, 1141 (6th Cir. 1991). It is for this reason that, in similar contexts, other circuits have recognized that “related to” proceedings “do not arise directly under the substantive rules of title 11, and, therefore, may lie outside the language of Rule 1001.” *Rosenberg v. DVI Receivables XIV, LLC*, 818 F.3d 1283, 1288–1289 (11th Cir. 2016) (noting that the application of the bankruptcy rules to “essentially collateral matters” is appropriate only “when the case itself is a bankruptcy proceeding”). The First Circuit’s decision unavoidably conflicts with this basic understanding.

6. By tying the bankruptcy rules to “related to” bankruptcy jurisdiction, the First Circuit’s holding creates unjustified traps for litigants. Fairness requires that rules be knowable in advance. But the existence of “related to” bankruptcy jurisdiction is a difficult and frequently contested issue in which the right answer is not always clear. Under the

First Circuit's holding, litigants who make the wrong call risk permanently losing their claims by applying an entirely wrong set of rules. In this case, the First Circuit's retroactive application of the bankruptcy rules triggered a "domino effect" leading to dismissal of the plaintiffs' claims for lack of appellate jurisdiction. App. at 3. The shorter time period for post-judgment motions under the bankruptcy rules made the plaintiffs' motion untimely. And because an "untimely motion for reconsideration lacked tolling effect," their appeal was also late. App. at 7.

7. The applicants respectfully request a 48-day extension of time to file a petition for a writ of certiorari seeking review of the First Circuit's ruling and submit that there is good cause for granting the request. Applicants' counsel has been heavily engaged with other appellate matters, including an argument in the Ninth Circuit on October 25, 2021 in *Berman, et al v. Freedom Financial Network LLC*, No. 20-16900, and multiple unexpected briefs at the rehearing- and 23(f)-stages in the Ninth Circuit (in *Brice v. Plain Green, LLC*, No. 19-15707), the Eighth Circuit (in *In re: Pre-Filled Propane Tank Antitrust Litigation*, No. 14-2567), and the Fourth Circuit (in *Stinson v. Gibbs*, No. 21-280). Counsel also has multiple forthcoming oral arguments, including in the Ninth Circuit on December 10, 2021 in *Cohen, et al v. Apple Inc.*, No. 20-17307, and in the Fourth Circuit the week of January 25-28, 2022 in *Mey v. DIRECTV, LLC*, No. 21-1274, and multiple briefs due in this Court and the Courts of Appeal throughout the months of December and January. Applicants' counsel also continues to have additional increased childcare obligations due to the pandemic as well as holiday-related travel over the next month-and-a-half. Extending the

deadline to file the petition in this case to January 24, 2022 will allow plaintiffs' counsel to carefully research and prepare the petition in this case.

CONCLUSION

For the foregoing reasons, the applicants respectfully request that the Court extend the time within which to file a petition for a writ of certiorari in this matter to and including January 24, 2022.

Dated: November 23, 2021

Respectfully Submitted,

/s/ Matthew W.H. Wessler

MATTHEW W.H. WESSLER

Counsel of Record

GUPTA WESSLER PLLC

2001 K St NW

Suite 850 North

Washington, DC 20006

(202) 888-1741

matt@guptawessler.com

Counsel for Applicants

In the Supreme Court of the United States

ANNICK ROY, as special administrator of THE ESTATE OF JEAN-GUY VEILLEUX, deceased; individually and as next friend of minor, F.R.V.; SAMUEL AUDET; BELAND AUDET; EMANUEL BAILLARGEON; SANDRA BAILLARGEON; JEAN BOYLE BARRETT BEAUDOIN; GABRIEL BEAUDOIN; JOCELYN BEAUDOIN; RAYMOND BEAUDOIN; YVES BERNIER; GERARD BOLDUC; MARIE CLAUDE BOUCHARD; MICHEL BOUCHARD; SUZIE BOUCHARD; PIERRETTE BOUCHER LAFONTAINE; ROUVILLE BOUCHER; MICHEL BOULANGER; DANIEL BOULE; PIERRE BOULET; PIERRETTE BOULET; HELENE BOURGEOIS; GHISLAIN CHAMPAGNE; LINE CHAMPAGNE; DENIS CHAREST; PASCAL CHAREST; DANIEL CHARRIER; SYLVAIN COTE; ANNETTE DOYON; DENISE DUBOIS; MARTIAL DUPIUIS; SERGE FAUCHER; YVES FAUCHER; LEA FAVREAU; FRANCE FORTIER; YANNICK GAGNE; DANIEL GENDRON; MELANIE GERHARD; GRAVURE MEGANTIC; MARIO GRIMARD; GROUP EXCA INC.; NANCY GUAY; ERIC JOUBERT; JEANNOT LABRECQUE; DANIELLE LACHANCE; LUCILLE LACHANCE; PIERRETTE LACHANCE; SYLVIE LACROIX; ANGELIQUE LAFONTAINE; ANNA LAFONTAINE; CHRISTIAN LAFONTAINE; CLEMENT LAFONTAINE; EXCA LAFONTAINE; JONATHAN LAFONTAINE; JOSIE LAFONTAINE; LISA LAFONTAINE; LUC LAFONTAINE; MARILOU LAFONTAINE; ROSEMARY LAFONTAINE; LOUISE LAJEUNESSE; GUILLAUME LAPIERRE; HENRIETTE LATULIPPE; MARCEL LAVOIE; MAYLA; MARCHE VALIQUETTE LTEE; JOSEE MORIN; CLEMENT PEPIN; YANNICK PEPIN; FRANCE PICARD; LOUISETTE PICARD; MATHIEU PICARD; CLAUDE PLANTE; MANON RODRIGUE; DORIS ROY; GARAGE JEAN ROY; JEAN-GUY ROY; GINETTE ROY; JULIE ROY; SERVICES ESTHTIQUES MALYA; BERNARD ST-HILAIRE; BILLY TURCOTTE; CELINE TURCOTTE; MARC VACHON; LOUISE VALIQUETTE; PHILIPPE VALIQUETTE; RENE BOUTIN; SOPHIE BOUTIN; ROXANNE BOUTIN; CAROLINE TREMBLAY, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF GUY BOLDUC, DECEASED; AS NEXT FRIEND OF S.B., A MINOR; AND AS NEXT FRIEND OF A-C.B., A MINOR; JACQUES BOLDUC; SOLANGE GAUDREAU; MARIO BOLDUC; CYNTHIA BOULE, individually and as representative of the estate of sylvie charron, deceased; and as next friend of A.B., A MINOR; JEAN-GUY BOULE; THERESE POULIOT, individually and as representative of the estate of real custeau, deceased; SIMON CUSTEAU, individually and as next friend of J.C., a minor; SONIA PEPIN; RICHARD CUSTEAU; SYLVIE CUSTEAU, individually and as representative of the estate of SUZANNE CUSTEAU, deceased; MICHAEL CUSTEAU; KARINE LAFONTAINE; REJEAN CUSTEAU; CLAUDE TURMEL; KATHLEEN BEDARD; KIM TURMEL, individually and as next friend of A.L., a minor; as next friend of M.L., a minor; as next friend of L-A.N., a minor and as next friend of E.N., a minor; JOSEE BOLDUC; VINCENT NADEAU; GUYLAINE ST-LAURENT, as representative of the estate of NATACHAT GAUDREAU, deceased; JOANIE TURMEL; CHANTAL GAUDREAU; FRANCOIS POULIN, individually and as representative of the estate of LUCIE VADNAIS, deceased; ESTEL BLANCHET; SYLVIE VADNAIS; PAULINE THEBERGE; ELISABETH VADNAIS; DIANE GIROUX RODRIGUE, as representative of the estate of JACQUES GIROUX,

(caption continued on following page)

DECEASED; MARIE-EVE POULIN; ANDRE GIROUX; SERGE MORIN, individually and as co-representative of the estate of KAVEN MORIN, deceased; RAYMOND LAPOINTE; NANCY DUCHARME, individually and as co-representative of the estate of KAVEN MORIN, deceased; JOANNIE LAPOINTE; KATHLEEN MORIN; LUCIE BOUTIN; MICHAEL VALLERAND; GENEVIEVE BRETON; GINETTE DOSTIE; TAXI MEGANTIC ENR; FIDUCIE FAMILIALE FRANCOIS JACQUES, individually and on behalf of the estate of DOMINIK LEBLANC; SOCIETE DE GESTION JEAN-PIERRE JACQUES INC.; DUBE EQUIPMENT DE BUREAU INC.; 9020-1468 QUEBEC INC.; VIA BEAUTE SANTE ENR; BOLDUC CHAUSSURES LTE; CLINIQUE DENTAIRE MARIE-PIER DUBE INC.; MICHEL CHARLAND; SOCIETE EN COMMANDITE PROJET SHIER; JEAN VADNAIS; ISABELLE BEAUDRY; CLERMONT PEPIN, as special administrator of the estate of ERIC PEPIN-LAJEUNESSE, deceased; PASCAL LAFONTAINE, as special administrator of the estate of KARINE LAFONTAINE, deceased; LOUISE COUTURE; MARIO SEVIGNY; MARC-ANTOINE SEVIGNY; LOUISE BRETON; GINETTE CAMERON; MANON BOLDUC; SANDY BEDARD, as special administrator of the estate of MICHEL GUERTIN, JR.; HERBERT RATSCH, as special administrator of the estate of WILLFRIED HEINZ RATSCH, deceased; GENEVIEVE DUBE; MICHELLE GABOURY, as special administrator of the estate of KEVIN ROY, deceased; GASTON BEGNOCHE, as special administrator of the estate of TALITHA COUMI BEGNOCHE, deceased; DAVE LAPIERRE; MARIE-EVE LAPIERRE; LISETTE BOLDUC; STEVE BOLDUC; MAUDE FAUCHER; KARINE PAQUET; GUY PAQUET, as special administrators of the estate of ROGER PAQUET, deceased; JACQUES MARTIN; SOLANGE BELANGER, as special administrator of the estate of JIMMY SIROIS, deceased; GUY BOULET; ELISE DUBOIS-COUTURE, as special administrator of the estate of DAVID LACROIX-BEAUDOIN, deceased; LILY RODRIGUE; REJEAN ROY, as special administrator of the estate of MLISSA ROY, deceased; ALEXIA DUMAS-CHAPUT, as special administrator of the estate of MATHIEU PELLETIER, deceased; THERESA POULAN DUBOIS, as special administrator of the estate of DENISE DUBOIS, deceased; CHRISTIANE MERCIER, as special administrator of the estate of MARIANNE POULIN, deceased; ROBERT PICARD; JUSTINE LAPOINTE; ERIC BILODEAU, as special administrator of the estate of KARINE CHAMPAGNE, deceased; MICHELINE VEILLEUX; RICHARD TURCOTTE, as special administrator of the estate of ELODIE TURCOTTE, deceased; MARIE-JOSEE GRIMARD, as special administrator of the estate of HENRIETTE LATULIPPE, deceased; ALAINE BIZIER, individually and as representative of the estate of DIANE BIZIER, deceased; STEVE ROY, individually and on the behalf of minor Y.R.; ISABELLE BOULANGER, individually and as representative of the estate of FREDERIC BOUTIN, deceased; COLETTE LACROIX BOULET; JOANNE PROTEAU, as special administrator of the estate of MAXIME DUBOIS, deceased; GABRIELLE LAPOINTE; HELEN LYNN BARRETT BEAUDOIN; MALYA; PIERRE PICARD; BOUTIQUE DE LA GARE INC.,
Applicants,

MAURICE GAGNE; JACQUES GRENIER; BAR LAITIER; JOSEE LAJEUNESSE; LAMBREQUIN; LISA FLEURY LARANGE; LOGI-BEL; MARCHE METRO; ANDRE MARTIN; MELISSA ROBERT, individually and as next friend of ELYKA RICHARD and MEGANE RICHARD; MUSI-CAFE; NETTOYEUR MODERNE SENC; MELANIE POIRER; POULET FRIT IDEAL; PATRICK

(caption continued on following page)

RODRIGUE; JEAN TANGUAY; THE HERITAGE BUILDING; JEAN-YVES FORTIN; ERIC LAVALLEE; ANNIE-JULIE BLAIS; JACQUES DUBE; GERALD RODRIGUE; CLAUDETTE RODRIGUE; JULIE HAMEL, individually and as next friend of NATHAN FOUQUET; FREDERIC FOUQUET; LORRAINE BEAUDOIN-LANGLOIS; 9219-0610 QUEBEC INC, d/b/a Ariko Restaurant & Bar; MIRKO COUTURE; JEAN-FRANCOIS DROUIN; MARIE-CLAUDE PEPIN-VERDO; SYLVAIN RANCOURT; CLEMENTE RANCOURT; NICOLE LAPIERRE; ANTOINE LECLERC; CLAUDE CHARRON; PHARMACIENS INC.; VARIETE CLAUDE CHARRON INC; VARIETE CLAUDE CHARRON; CENTRE FUNERAIRE JACQUES ET FILS INC.; JEAN-PIERRE JACQUES; FRANCOIS JACQUES; CAROL BEGIN; JEAN DUBE; ANDRE FLUET DUBE; PASCAL HALLE; ANGELE GODBOUT; DENISE POULIN; DENIS BOLDUC; MARIE-PIER DUBE, individually and as next friend of L.C., a minor, and as next friend of X.C., a minor; JACQUES LAPRISE; STEVEN HALLE; GESNER BLENKHORN; ANDRE VALIQUETTE; PASCALE LACROIX; GORDON BEAUDOIN; FORCE ACTION NUTRITION,
Plaintiffs,

v.

CANADIAN PACIFIC RAILWAY COMPANY,
Defendant-Respondent,

SOO LINE RAILROAD COMPANY, d/b/a Canadian Pacific Railway; DELAWARE AND HUDSON RAILROAD COMPANY INC., d/b/a Canadian Pacific Railway; DAKOTA MINNESOTA AND EASTERN RAILROAD CORPORATION, d/b/a Canadian Pacific Railway; CANADIAN PACIFIC RAILWAY LIMITED,
Defendants.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

CERTIFICATE OF SERVICE

In compliance with Supreme Court Rules 29.3 and 29.5, I, Matthew W.H. Wessler, counsel of record for the applicants and a member of the Bar of this Court, hereby certify that on November 23, 2021, a copy of the accompanying Application for a 48-Day Extension of Time Within Which to File a Petition for a Writ of Certiorari to the United States Court of Appeals for the First Circuit, filed in the above-captioned manner, was sent by commercial carrier and by electronic mail to:

Counsel for Respondents:

PAUL J. HEMMING
LEAH CEEE O. BOOMSMA
TAFT STETTINIUS &
HOLLISTER LLP
2200 IDS Center
80 South Eighth St
Minneapolis, MN 55402
(612) 977-8400

MARK F. ROSENBERG
SULLIVAN & CROMWELL LLP
125 Broad St
New York, NY 10004
(212) 558-3647

Attorneys for Defendant-Respondent Canadian Pacific Railway Company

All parties required to be served have been served.

November 23, 2021

/s/ Matthew W.H. Wessler
Matthew W.H. Wessler
Gupta Wessler PLLC
2001 K St NW
Suite 850 North
Washington, DC 20006
(202) 888-1741
matt@guptawessler.com