

In The
SUPREME COURT OF THE UNITED STATES
October Term 2021

HEATH RICHARD DOUGLAS,

Applicant/Petitioner,

v

NANCY SUMMERS DOUGLAS,

Respondent.

**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 Sixth Circuit**

**APPLICATION TO THE HONORABLE JUSTICE
BRETT KAVANAUGH AS CIRCUIT JUSTICE**

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December 20, 2021

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APPLICATION FOR EXTENSION OF TIME

Pursuant to Rule 13.5 of the Rules of this Court, Applicant Heath Richard Douglas requests a 45-day extension of time, but no less than 30-day extension, within which to file a petition for writ of certiorari in this Court, up to and including Thursday, February 3, 2022.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is *Heath Richard Douglas v Nancy Summers Douglas*, No. 21-1335 (September 21, 2021) (attached as Exhibit 1).

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 writ of certiorari was due to be filed on or before December 20, 2021. In accordance with Rule 13.5, this application is being filed on the last day of filing the petition due to the extraordinary circumstances, as described more fully below.

REASONS JUSTIFYING AN EXTENSION OF TIME

Applicant respectfully respects a 45-day extension of time within which to file a petition for writ of certiorari seeking review of the decision of the United States Court of Appeals for the Sixth Circuit in this case, up to and including February 3, 2022.

1. This case arises under the Hague Convention and the International Child Abduction Remedies Act (“Hague Convention”). Applicant is a citizen of Australia. Respondent is a citizen of the United States. The child at issue in this case is also an Australian Citizen, having been born in Australia. This case involves the wrongful retention of the parties’ newborn child in the United States, after Respondent traveled to the United States with the child and then refused to return to Australia.
2. The Australian Government has a procedure for securing a Grant from the Australian Government when there is an Overseas Child Abduction.
3. Due to the Australian Government’s interest in assisting its citizens who seek to retain jurisdiction in Australia over children born in Australia to an Australian parent, the Australian Government has paid for the legal work in Applicant’s appeal to the Sixth Circuit.
4. Once the Sixth Circuit issued its opinion, Applicant filed a grant request with the Australian Government seeking their continued assistance so that

Applicant could file a Petition for Writ of Certiorari in the United States Supreme Court.

5. Due to the complexity of the funding process in Australia, the Attorney-General and Minister of Industrial Relations only authorized financing of the Petition on December 17, 2021.
6. It was not until December 19, 2021 that the Australian Government notified Applicant and his Counsel that they approved the grant request.
7. Counsel for Applicant received an email from the Senior Case Officer for the Legal Financial Assistance Casework Department at 7:53 pm Eastern Time on December 19, 2021 (which was sent from the Australian representative on Monday, December 20, 2021 during business hours, due to the fact that Australia is 13 hours ahead of Eastern Time). This email informed Applicant that the Government had approved Applicant's request to proceed with a Petition to the United States Supreme Court.
8. Based on the late hour of the Australia Government's approval, Counsel for Applicant was not able to prepare a Petition to this Court. Indeed, Counsel believed that the Australian Government's failure to provide an answer signified that they would not be approving Applicant's request.
9. Therefore, without this Court's approval to extend time to file a Petition in this Court, Applicant will not be able to file a timely Petition to preserve

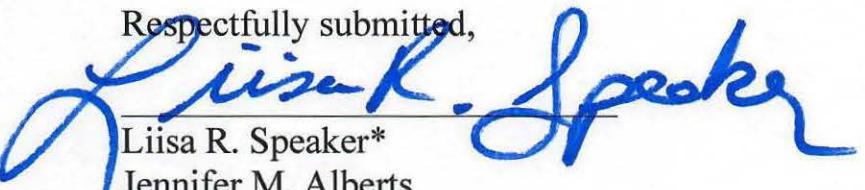
the interest of the Australian Government to have this custody matter litigated in Australia, and further the Applicant's similar interest in having the Australia Courts decide the matter pertaining to his child who was born in Australia.

10. A 45-day extension would grant Applicant the necessary time to prepare the Petition. In any event, Applicant request no less than a 30-day extension, so that his attorneys in the United States can prepare the Application with sufficient time to file under this Court's rules.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests that this Court grant an extension of 45 days, up to and including February 2, 2022, within which to file a Petition for Writ of Certiorari in this case.

Respectfully submitted,


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