

No.

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

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S.U. AND C.U.,  
*Petitioners*,  
v.

C.J.  
*Respondent.*

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**Application for an Extension of Time Within Which to File a Petition for a  
Writ of Certiorari to the West Virginia Supreme Court of Appeals**

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To the Honorable John G. Roberts, Jr., Chief Justice of the United States Supreme  
Court and Circuit Justice for the Fourth Circuit

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OFFICE OF THE CLERK  
SUPREME COURT, U.S.

## **APPLICATION FOR EXTENSION OF TIME**

Petitioners S.U. and C.U., *pro se*, hereby requests a 60-day extension of time within which to file a petition for writ of certiorari pursuant to Rule 13.5 of the Rules of this Court.

## **JUDGMENT FOR WHICH REVIEW IS SOUGHT**

The judgments for which review is sought are *In re Adoption of E.U., L.U.-1 and L.U.-2*, No. 20-0039 (October 13, 2021) (attached as Exhibit 1) and *In re The Children of S.U. vs. C.J.*, Nos. 20-0515, 20-0516, 20-0612, and 20-0710, (October 13, 2021) (attached as Exhibit 2).

## **JURISDICTION**

This Court will have jurisdiction over any timely filed petition for certiorari in this case pursuant to 28 U.S.C. §1254(1) and 28 U.S.C. §1257(a).

## **BACKGROUND**

C.J. is a biological stranger gestational surrogate who carried S.U.'s children to birth under a surrogacy agreement. C.J.'s name was placed on the birth certificates of S.U.'s children, against S.U.'s wishes, pursuant to West Virginia's self-operative statute §16-5-10(e) which presumes the woman giving birth is a biological parent. C.J. breached the party's surrogacy contract and sought custody of S.U.'s biological children. The State of West Virginia then used the same §16-5-10(e) to place S.U.'s children in the custody and control of their gestational surrogate and denied S.U. all access to his own children by speculating S.U.'s children would be harmed if S.U. told them that they were born through gestational surrogacy.

In a related action, husband and wife S.U. and C.U. petitioned for a stepparent adoption such that C.U. could adopt S.U.'s children who were gestated by C.J. West Virginia adoption law requires consent of the biological parents, however, West Virginia courts refused to recognize the natural parental rights of S.U. and held that consent was required of third-party gestational surrogate who wrongfully obtained custody of S.U.'s children through West Virginia Code §16-5-10(e).

#### **REASONS JUSTIFYING AN EXTENSION OF TIME**

Applicants S.U. and C.U. respectfully requests a 60-day extension of time within which to file a petition for writ of certiorari seeking review of the decisions of the Supreme Court of Appeals of West Virginia.

1. The original action has been ongoing since year 2016 and is voluminous. The orders in question consist of four (4) consolidated orders and references a fifth.
2. The petition for writ of certiorari will consist of two (2) related cases which also involves more work to perfect.
3. There are approximately seven (7) related actions being actively litigated between the parties regarding S.U.'s children which includes emergency hearings and filings. S.U. and C.U. have full-time employment/parenting obligations which restricts their available time to dedicate to each action.
4. S.U. nor C.U. have previously submitted any documents to this Court and are precluded from hiring an attorney due to the high costs of litigation. An

extension of time will permit the time necessary to complete a cogent and well-researched petition that complies with the Rules of this Court.

5. S.U.'s Constitutional rights in his children, and his children's reciprocal rights to live together with their biological parent and siblings, have been severely trammelled due only to the method of procreation. This case has wide implications for protecting the rights of parents, and their resulting children, who procreate through gestational surrogacy.
6. The decisions rendered by the State of West Virginia are in severe contrast to the Constitutional interpretations of this Court, with West Virginia's own courts and Constitution, and with the decisions made by other United States courts.

## CONCLUSION

For the foregoing reasons, S.U. and C.U. jointly respectfully request that this Court grant an extension of 60 days within which to file their petition for writ of certiorari.

Respectfully submitted,

  
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S.U.  
(Same)