

No. A____

**IN THE SUPREME COURT OF THE
UNITED STATES**

MY PILLOW, INC.,

Petitioner,

v.

US DOMINION, INC.; DOMINION VOTING SYSTEMS, INC.;
DOMINION VOTING SYSTEMS CORPORATION,

Respondents,

**APPLICATION TO THE HON. CHIEF JUSTICE JOHN ROBERTS
TO EXTEND TIME TO FILE PETITION FOR A WRIT OF CERTIORARI**

Pursuant to Rule 13(5) of the Rules of this Court, petitioner MyPillow, Inc. hereby applies by undersigned counsel for an extension of time of 60 days, to and including June 19, 2022, within which to file a Petition for a Writ of Certiorari to review the order and judgment of the United States Court of Appeals for the District of Columbia Circuit in *US Dominion, Inc. v. My Pillow, Inc.*, No. 21-7103, decided on January 20, 2022, attached as Appendix A.

1. The order of the Court of Appeals was issued on January 20, 2022.
2. Unless extended, the time for filing a Petition for a Writ of Certiorari will expire on April 20, 2022.
3. This Court has jurisdiction to review the order of the Court of Appeals under 28 U.S.C. § 1254(1).

4. Because of limitations resulting from the Covid pandemic and undersigned counsel's duty to prepare and file briefs in this Court (*Gerber v. Herskovitz*, No. 21-1263), in the Court of Appeals for the District of Columbia Circuit (*Keren Kayemeth LeIsrael v. Education for a Just Peace in the Middle East*, No. 21-7097), and in the United States District Court for the District of New Jersey (*Zinger v. Ben & Jerry's Homemade, Inc.*, D.N.J. Civ. No. 2:22-cv-01154), undersigned counsel, who is the District of Columbia attorney representing MyPillow, Inc., in the lower courts, has not had sufficient available time to prepare the Petition for a Writ of Certiorari in this case within the time prescribed by Rule 13(1) of the Rules of this Court.

5. Undersigned counsel's commitments necessitate his request for a 60-day extension for the filing of a Petition for a Writ of Certiorari in this case.

6. The issue presented to the Court of Appeals and decided by its Order is whether 28 U.S.C. § 1291 authorizes immediate review of the denial of a motion to dismiss a defamation lawsuit that violates the constitutional rule of *New York Times, Inc. v. Sullivan*, 376 U.S. 254 (1964). Circuit Court decisions are in conflict on the availability of appellate review in this and comparable circumstances.

7. The defamation lawsuit against MyPillow is proceeding before District Judge Carl Nichols in conjunction with two parallel defamation lawsuits filed against other defendants. Any delay in consideration and decision of the potential Petition for a Writ of Certiorari would not affect the ongoing proceeding in the District Court.

8. In light of this Court's ordinary schedule, argument and decision on the issue to be presented in the Petition for a Writ of Certiorari if the Writ were granted would not, in any event, occur during the 2021 Term of Court. Hence the requested extension of time will not substantially affect the time when the legal issue, if argued and heard, will be resolved by this Court.

For the foregoing reasons, petitioner MyPillow, Inc. requests that the time within which to file a Petition for a Writ of Certiorari be extended to June 19, 2022.

Respectfully submitted,

/s/ Nathan Lewin

Nathan Lewin
Lewin & Lewin, LLP
888 17th Street NW, 4th Floor
Washington, DC 20006
202.828.1000
nat@lewinlewin.com

Attorney for Petitioner MyPillow