

Case No. 21-

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In the Supreme Court of the United States  
October Term 2021

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RANCHERS-CATTLEMEN ACTION LEGAL FUND, UNITED  
STOCKGROWERS OF AMERICA,

*Applicant-Petitioner,*

v.

THOMAS VILSACK, in his official capacity as Secretary of Agriculture, and THE  
UNITED STATES DEPARTMENT OF AGRICULTURE,

*Respondents,*

MONTANA BEEF COUNCIL; NEBRASKA BEEF COUNCIL;  
PENNSYLVANIA BEEF COUNCIL; TEXAS BEEF COUNCIL; LEE  
CORNWELL; GENE CURRY; WALTER J. TAYLOR, Jr.,

*Intervenor-Respondents.*

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Application for an Extension of Time Within Which to File a Petition for a Writ of  
Certiorari to the Ninth Circuit, Presented to Circuit Justice Elena Kagan

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## **CORPORATE DISCLOSURE STATEMENT**

Applicant the Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America, has no parent corporations and issues no stock.

## **APPLICATION FOR AN EXTENSION OF TIME**

Pursuant to Rule 13.5 of the Rules of this Court, Applicant, who was Plaintiff below and would-be Petitioner before this Court, Ranchers Cattlemen Action Legal Fund, United Stockgrowers of America, hereby requests a 60-day extension of time within which to file a petition for a writ of certiorari, allowing it to file up to and including Friday, December 24, 2021.

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

The judgment for which review is sought is *Ranchers Cattlemen Action Legal Fund, United Stockgrowers of America v. Vilsack*, 6 F.4th 983 (9th Cir. 2021) (attached as Exhibit A), which was issued on July 27, 2021.

## **JURISDICTION**

This Court will have jurisdiction over any timely filed petition for certiorari in this case pursuant to 28 U.S.C. § 1254(1). The judgment for which review will

be sought was issued on July 27, 2021. Under Rules 13.1, 13.3, and 30.1 of the Rules of this Court, a petition for a writ of certiorari was due to be filed on or before October 25, 2021. In accordance with Rule 13.5, this application is being filed more than 10 days in advance of the filing date for the petition for a writ of certiorari.

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

Applicant respectfully requests a 60-day extension of time within which to file a petition for a writ of certiorari seeking review of the decision of the Ninth Circuit in this case; that is up to and including Friday, December 24, 2021. In support of this request, Applicant states:

1. Lead counsel below, who will also be lead counsel in preparing any writ of certiorari, has been subject to a number of unanticipated court ordered deadlines that prevent the writ request from being completed within the current deadline. In particular, subsequent to the Ninth Circuit decision in this case: the Fourth Circuit scheduled oral argument for lead counsel in another matter, *People for the Ethical Treatment of Animals v. North Carolina Farm Bureau*, No. 20-1766 (L), for the same week that the writ request would be due; the D.C. Court of Appeals reversed and remanded *Animal Legal Defense Fund v. Hormel Foods Corp.*, No. 19-CV-0397, --- A.3d---, 2021 WL 3921512 (D.C. Sept. 2, 2021),

resulting in lead counsel needing to prepare for a court conference the week before the writ request in this matter would be due; and the Eighth and Tenth Circuits issued decisions in *Animal Legal Defense Fund v. Vaught*, 8 F.4th 714 (8th Cir. 2021); *Animal Legal Defense Fund v. Reynolds*, 8 F.4th 781 (8th Cir. 2021); *Animal Legal Defense Fund v. Kelly*, 9 F.4th 1219 (10th Cir. 2021), requiring lead counsel to work on next steps in those matters.

2. Moreover, in order to present this Court with the best developed petition for writ of certiorari, lead counsel and Applicant have also been consulting with issue experts and potentially impacted parties regarding the important issues presented by the opinion below—the “government speech” exception to the First Amendment and its application to the federal “checkoff programs,” which compel funding for speech. Scheduling and follow-up from those meetings has delayed finalizing the writ of certiorari.

### **CONCLUSION**

For the foregoing reasons, Applicant respectfully requests a 60-day extension of time within which to file a petition for a writ of certiorari seeking review of the decision of the Ninth Circuit in this case, which is up to and includes Friday, December 24, 2021.

October 7, 2021

Respectfully submitted,

/s/ Jessica Culpepper

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