

No. \_\_\_\_\_

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In The  
SUPREME COURT OF THE UNITED STATES  
October Term 2021

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Brad Jennings,  
Application/Petitioner

v.  
Daniel F. Nash, James Michael Rackley and George Knowles

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Application for Extension of Time Within Which to File a Petition for Writ of  
Certiorari

To the Honorable Justice Brett M. Kavanaugh  
Associate Justice of The Supreme Court and Circuit Justice for the Eighth Circuit

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## **APPLICATION FOR EXTENSION OF TIME**

Pursuant to Rule 13.5 of the Rules of this Court, Applicant Brad Jennings requests a 60-day extension of time within which to file a Petition for Writ of Certiorari up to and including December 17, 2021.

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

The judgment for which review is sought is *Brad Jennings v. Daniel Nash* No. 20-1894. (Opinion, Ex 1). The Eighth Circuit Court of Appeals denied Applicant's motion for rehearing on July 19, 2021. (Order, Ex 2).

### **JURISIDICTION**

This Court will have jurisdiction over any timely filed petition for Writ of Certiorari 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 is due to be filed on or before October 18, 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 an extension of time within which to file a petition for writ of certiorari seeking review of the decision of the Eighth Circuit Court of Appeals in this case, up to and including December 17, 2021 and states the following in support

1. Applicant's counsel has had a recent childcare issue, wherein the child care provider and her entire family contracted COVID19. Because Counsel has not been

able to find alternate childcare, despite best efforts, this issue has cost counsel valuable time in completing the Petition for Writ of Certiorari.

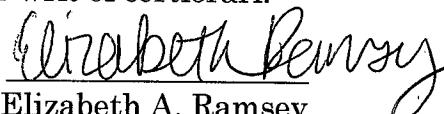
2. This is a complex case, with a trial, summary judgment rulings, three different defendants, and issues and facts dating back to 2006. The time lost due to childcare/COVID would have been and is essential to thoroughly address all issues.

3. Further, on October 3, 2021, Counsel for Applicant was contacted by a juror from the February 2020 trial at issue in this case, *Jennings v. Nash*. This juror gave counsel a good faith belief that juror misconduct has occurred. A 60-day extension of time would allow counsel for Applicant adequate time to investigate these issues and bring them to the district court and this Court's attention.

4. As Applicant will be filing a motion in the district court case based on the above allegations of juror misconduct, Applicant believes it is in the best interest of all parties and this Court to allow for a 60-day extension of time. In the interest of efficiency, this would allow for the possibility of joining any issue from the disposition of the new district court motion to the Petition for Writ of Certiorari.

### CONCLUSION

For the foregoing reasons, Applicant respectfully requests that this Court grant this Application for Extension of Time to file a petition for writ of certiorari.

  
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