

No. ____

IN THE
Supreme Court of the United States

ARKANSAS TIMES LP,
Petitioner,

— v. —

MARK WALDRIP
Respondent.

*On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Eighth Circuit*

**APPLICATION FOR AN EXTENSION OF TIME
TO FILE A PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

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To the Honorable Brett M. Kavanaugh, Associate Justice of the United States Supreme Court and Circuit Justice to the United States Court of Appeals for the Eighth Circuit:

Pursuant to this Court’s Rules 13.5, 22, and 30.3, Applicant Arkansas Times LP respectfully requests a 30-day extension of time, up to and including October 20, 2022, within which to file a petition for a writ of certiorari to the United States Court of Appeals for the Eighth Circuit.¹

1. Petitioner will seek review of *Arkansas Times LP v. Waldrip*, 37 F.4th 1386 (2022) (en banc). (Attached as Exhibit A.) The en banc Eighth Circuit issued its judgment on June 22, 2022. (Attached as Exhibit B.) Unless extended, the deadline to file a petition for a writ of certiorari is September 20, 2022. This application is timely, *see* Sup. Ct. R. 30.2, and this Court’s jurisdiction will be invoked under 28 U.S.C. § 1254(1).

2. This case presents an important question of federal law—whether the First Amendment protects the right to participate in politically motivated consumer boycotts. From the Boston Tea Party to the Montgomery Bus Boycott, to the boycott of apartheid South Africa, boycotts have been part and parcel of American politics. In *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886 (1982), this Court held that the First Amendment protects boycotts, stating that “[t]he right of the States to regulate economic activity could not justify a complete prohibition against a nonviolent,

¹ Pursuant to Supreme Court Rule 29.6, Arkansas Times LP states that it does not have a parent corporation, and no publicly held company owns 10 percent or more of its stock.

politically motivated boycott.” *Id.* at 914. Directly contradicting this authority, the Eighth Circuit held below that “*Claiborne* only discussed protecting expressive activities *accompanying* a boycott, rather than the purchasing decisions at the heart of a boycott.” *Arkansas Times*, 37 F.4th at 1492. It erroneously concluded that Arkansas’ law requiring government contractors to certify that they are not participating in boycotts of Israel or Israel-controlled territories, Ark. Code Ann. § 25-1-503, does not implicate the First Amendment.

3. Good cause exists for an extension. Brian M. Hauss is counsel of record for Petitioner. When the Eighth Circuit issued its en banc decision, he was traveling outside the country for his honeymoon. Additionally, Mr. Hauss will represent amici at oral argument in the Eleventh Circuit in *United States v. Baker*, No. 21-13749, on September 13, 2022. He will be second-chairing oral argument in the Fourth Circuit on behalf of the Farm Labor Organizing Committee in *Farm Labor Organizing Committee v. Stein*, No. 21-1499, on September 14, 2022. And he will be briefing responses to summary judgment and *Daubert* motions in *Shaw v. Jones* in the U.S. District Court for the District of Kansas, Civil Action No. 19-1343, in early September 2022. Vera Eidelman, who is also counsel for Petitioner, will be on parental leave beginning on September 6, 2022. These and other personal and professional commitments make it difficult for counsel to prepare the petition for writ of certiorari in this case on or before September 20, 2022.

Accordingly, Petitioner respectfully requests that an order be entered extending the time to file a petition for a writ of certiorari for 30 days, up to and including October 20, 2022. Sup. Ct. R. 13.5.

Dated: August 26, 2022

Respectfully submitted,

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