

No. 23A__

**In the
Supreme Court of the United States**

MISSOURI OFFICE OF ADMINISTRATION; KENNETH ZELLERS, COMMISSIONER OF THE
OFFICE OF ADMINISTRATION; STACY NEAL, DIRECTOR, DIVISION OF ACCOUNTING,
OFFICE OF ADMINISTRATION,
Applicants,

v.

MISSOURI CORRECTIONS OFFICERS ASSOCIATION, TERRY ENGBERG, AND TINA
COURTWAY,
Respondents.

*Application for Extension of Time to File a Petition for
Writ of Certiorari to the Missouri Court of Appeals*

**APPLICATION TO THE HONORABLE BRETT M. KAVANAUGH
REQUESTING AN EXTENSION OF TIME TO FILE A PETITION FOR A
WRIT OF CERTIORARI PURSUANT TO RULE 13**

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

Pursuant to 28 U.S.C. § 2101(c) and Rule 13.5 of the Rules of this Court,
Applicants and Petitioners Missouri Office of Administration; Kenneth Zellers,
Commissioner of the Office of Administration;¹ and Stacy Neal, Director of the Office

¹ The Commissioner of the Office of Administration was formerly Sarah Steelman. Under Missouri Supreme Court Rule 52.13(d), “[w]hen a public officer is a party to an action in an official capacity and during its pendency dies, resigns, or otherwise ceases to hold office, the action does not abate and the successor is automatically

of Administration's Division of Accounting pray for a 45-day extension of time to file their petition for certiorari in this Court, up to and including August 17, 2023. The Missouri Court of Appeals entered a final judgment on December 6, 2022. Petitioners timely filed a motion for rehearing or application for transfer to the Missouri Supreme Court that was overruled and denied on January 31, 2023. On February 16, 2023, Petitioners timely filed an Application for Transfer to the Supreme Court for the State of Missouri, which was denied on April 4, 2023. The time to file a petition for a writ of certiorari in this Court expires on July 3, 2023. This application is filed more than ten days before that date.

Copies of the opinions and the order denying the motion for rehearing or application for transfer to the Missouri Supreme Court are attached to this Application together with the order denying the Application for Transfer to the Supreme Court for the State of Missouri. The jurisdiction of this Court is properly invoked under 28 U.S.C. § 1254(1).

As shown by the Missouri Court of Appeals opinion at pp. 27–29, this case addresses whether the Missouri Court of Appeals' judgment violates *Janus v. American Federation of State, County, and Municipal Employees, Council 31*, 138 S. Ct. 2448 (2018), when it requires the State to restart union dues deductions without an opt-in for employees who have not had dues deducted from their paychecks for four years, who have not consented to dues deductions during those four years, and

substituted as a party. . . . An order of substitution may be entered at any time, but the omission to enter such an order shall not affect the substitution.”

who are not union members. The Missouri Court of Appeals held that this did not violate *Janus*, but Petitioners disagree.

Good cause exists for an extension of time to prepare a petition for a writ of certiorari in this case. At the Missouri Attorney General's Office, there currently is only one other attorney that handles civil cases who may practice before this Court.

Undersigned counsel faces a significant press of business due to:

- No. 2222-CC08920-01, *Missouri v. City of St. Louis*, a case in which Counsel has been engaging in written discovery and document review from April 2023 through the present.
- No. 20-2209, *Reproductive Health Servs. et al. v. Dep't of Health & Senior Services*, a case in which Counsel has been engaging in written discovery and document review from April 2023 to the present and preparing for a hearing scheduled for July 27, 2023.
- No. SC99864, *Robinson v. DHSS*, a case in which Counsel will have an oral argument before the Missouri Supreme Court on July 12, 2023.
- No. 2322-CC00120, *Blackmon et al. v. State of Missouri et al.*, in the Missouri Circuit Court for St. Louis City, a case in which the State has a responsive pleading or motion due on several cross-claims on July 13, 2023.
- No. WD86029, *Beach v. Zellers et al.*, in the Missouri Court of Appeals, a case in which Counsel currently has an appellant's brief due on June

26, 2023 (Counsel filed a motion for 6-day extension pending up to and including June 26, 2023).

- No. SC99966, *Planned Parenthood v. Knodell*, in the Missouri Supreme Court, a case in which Counsel currently has an appellant's brief due on July 3, 2023.
- No. WD84902, *Finney v. Missouri Dep't of Corrections*, is a case in which Counsel currently has a U.S. Supreme Court petition for certiorari due on July 3, 2023 (counsel is requesting a 60-day extension of time to file a petition for certiorari in this case).

This significant press of business is not isolated to the current month. In the past few months, counsel also has filed several briefs, in this Court and others, and has represented the State in oral argument, including:

- Nos. 22A901, 22A902, *Danco Laboratories, L.L.C. v. Alliance for Hippocratic Medicine et al.; U.S. Food and Drug Administration, et al. v. Alliance for Hippocratic Medicine, et al.*, a case in which Counsel filed an amicus brief on behalf of the State of Missouri on April 18, 2023.
- No. SC99864, *Robinson v. DHSS*, a Missouri Supreme Court case in which Counsel filed a significant Respondent's Brief (69 pages) on May 12, 2023.
- No. 22-1104, *Missouri v. Biden*, Counsel filed a response to a motion on May 31, 2023.

- No. 2322-CC00120, *Blackmon et al. v. State of Missouri et al.*, in the Missouri Circuit Court for St. Louis City, a case challenging eight separate Missouri abortion laws, for which Counsel filed significant motion-to-dismiss reply briefing (40 pages) on June 6, 2023, and solely represented the State of Missouri and other State defendants on June 13, 2023, by arguing the motion to dismiss.

The Applicants have not previously requested an extension of time.

CONCLUSION

The Applicants request that the time to file a writ of certiorari in the above-captioned matter be extended 45 days, up to and including Thursday, August 17, 2023.

June 21, 2023

Respectfully submitted,

ANDREW BAILEY
Attorney General

/s/ Maria A. Lanahan
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PROOF OF SERVICE

In accordance with Rule 29.5(b), I, Maria A. Lanahan, counsel for applicants/petitioners and a member of the Bar of this Court certify that all parties required to be served, have been served, and that on June 21, 2023, the required copies of the Application for Extension of Time to File a Petition for Writ of Certiorari in the above-captioned case were sent to the U.S. Supreme Court by commercial overnight delivery and served via the same and by email on counsel for respondent listed below:

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Counsel for Respondent MOCO A

June 21, 2023

Respectfully submitted,

/s/ Maria A. Lanahan

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