

No.

In The

Supreme Court of the United States

Lac du Flambeau Band of Lake Superior Chippewa Indians; L.D.F. Business
Development Corp.; L.D.F. Holdings, LLC; Niiwin, LLC, d/b/a Lendgreen,

Applicants,

v.

Brian W. Coughlin.

**APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI**

To the Honorable John G. Roberts, Jr., Chief Justice of the United States and
Circuit Justice for the United States Court of Appeals for the First Circuit:

APPLICATION FOR AN EXTENSION OF TIME

Pursuant to Rule 13.5 of the Rules of this Court, Applicants Lac du Flambeau
Band of Lake Superior Chippewa Indians and its wholly owned entities, L.D.F.
Business Development Corporation, L.D.F. Holdings, LLC, and Niiwin, LLC, d/b/a
Lendgreen, hereby request a 35-day extension of time within which to file a petition
for a writ of certiorari, up to and including September 8, 2022.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is *Coughlin v. Lac du Flambeau Band of Lake Superior Chippewa Indians, et al.*, No. 21-1153 (1st Cir. May 6, 2022) (attached as Exhibit 1).

JURISDICTION

This Court will have jurisdiction over any timely filed petition for a writ of certiorari in this case 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 a writ of certiorari is currently due to be filed on or before August 4, 2022. Under Rule 13.5, a Justice may extend the time to file the petition for a period not exceeding 60 days, if the application is filed for good cause at least 10 days before the date the petition is due. This application is being filed for good cause more than 10 days before the date the petition is due, and it seeks an extension for a period not exceeding 60 days.

REASONS JUSTIFYING AN EXTENSION OF TIME

Applicants' request for a 35-day extension of time within which to file a petition for a writ of certiorari seeking review of the decision of the U.S. Court of Appeals for the First Circuit in this case, up to and including September 8, 2022, is supported by good cause for the following reasons.

1. As acknowledged by both the panel majority and in Chief Judge Barron's dissent, this case presents an exceptionally important question over which the circuit courts are directly split: whether the Bankruptcy Code abrogates tribal sovereign immunity. The First Circuit's affirmative answer to that question conflicts with the

holdings of other circuit courts, stands at odds with this Court's precedents, and threatens to inflict substantial harm on tribes throughout the country.

2. Applicants' counsel of record, Pratik A. Shah, was not involved in the litigation below and has only recently been retained to prepare a petition for a writ of certiorari. The extension of time is necessary for counsel to familiarize himself with the record and to prepare a petition that will be helpful to the Court in evaluating whether to review the decision below.

3. The extension of time is also necessary because of the press of other client business. Counsel has numerous litigation deadlines in the weeks leading up to and immediately following the current deadline for the petition in this case:

- A brief in opposition to a motion for a preliminary injunction in the U.S. District Court for the Western District of Louisiana in *State of Louisiana v. Horseracing Integrity & Safety Authority, Inc.*, No. 6:22-cv-01934, on July 14, 2022;
- A response brief on the merits in the U.S. Court of Appeals for the Fifth Circuit in *National Horsemen's Benevolent and Protective Association v. Black*, No. 22-10387, on July 27, 2022;
- An amicus brief on the merits in this Court in *Students for Fair Admission v. President and Fellows of Harvard College*, No. 20-1199, on August 2, 2022;
- A response brief on the merits in the U.S. Court of Appeals for the Ninth Circuit in *Dent v. National Football League*, No. 22-15261, on August 4, 2022;
- An amicus brief on the merits in this Court in *Haaland v. Brackeen*, No. 21-376, on August 12, 2022;
- A response brief on the merits in the U.S. Court of Appeals for the Sixth Circuit in *State of Oklahoma v. United States*, No. 22-5487, on August 18, 2022;

- An amicus brief on the merits in this Court in *303 Creative LLC v. Elenis*, No. 21-476, on August 19, 2022;

4. An extension would not cause prejudice to Respondents. The First Circuit issued its mandate on May 27, 2022, and the mandate has not been stayed. Moreover, the requested extension is unlikely to affect the Term in which this Court would hear oral argument and issue its opinion if the petition were granted.

5. Counsel for Applicants conferred with counsel for Respondent concerning this application. Respondent consents to the requested extension.

CONCLUSION

For the foregoing reasons, Applicants respectfully request that this Court grant an extension of 35 days, up to and including September 8, 2022, within which to file a petition for a writ of certiorari in this case.

Respectfully submitted,



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July 8, 2022

CORPORATE DISCLOSURE STATEMENT

No Applicant is a “nongovernmental corporation” subject to Rule 30.6 of the Rules of this Court. For the avoidance of confusion, Applicants nevertheless disclose that the Lac du Flambeau Band of Lake Superior Chippewa Indians, a sovereign tribal government, wholly owns L.D.F. Business Development Corporation; L.D.F. Business Development Corporation wholly owns L.D.F. Holdings, LLC; and L.D.F. Holdings, LLC wholly owns Niiwin, LLC, d/b/a Lendgreen. No publicly held company owns 10% or more of any Applicant’s stock.