

**IN THE  
SUPREME COURT OF THE UNITED STATES**

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No. \_\_\_\_

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GENERAL MOTORS, LLC; GENERAL MOTORS COMPANY,  
*Applicants,*

v.

FCA US, LLC; FIAT CHRYSLER AUTOMOBILES N.V.; ALPHONS IACOBELLI; JEROME  
DURDEN; MICHAEL BROWN,  
*Respondents.*

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**APPLICATION TO THE HON. BRETT M. KAVANAUGH  
FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE  
A PETITION FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT**

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Pursuant to Supreme Court Rule 13(5), General Motors, LLC, and General Motors Company (collectively, “GM” or “Applicants”), hereby move for an extension of time of 30 days, to and including December 9, 2022, for the filing of a petition for a writ of certiorari. Unless an extension is granted, the deadline for filing the petition for certiorari will be November 9, 2022.

In support of this request, Applicants states as follows:

1. The U.S. Court of Appeals for the Sixth Circuit rendered its decision on August 11, 2022 (Exhibit 1). This Court has jurisdiction under 28 U.S.C. §1254(1).
2. This case is about whether the intended victim of a racketeering scheme can recover under the Racketeer Influenced and Corrupt Organizations (“RICO”) Act for the damage the racketeering activities inflicted. For nearly a decade, executives

and employees of respondents FCA US and Fiat Chrysler Automobiles (collectively, “FCA”) engaged in a classic pattern of racketeering, using bribes and other illicit acts to corrupt labor relations and pattern bargaining in the U.S. automotive industry. That is not disputed: Both FCA and the individual defendants in this case admitted in federal criminal plea agreements that they funneled millions of dollars in prohibited payments to officers of the union that both FCA and GM share. FCA used its corrupt relationship with union officers not just to illegally decrease FCA’s labor costs, but as a vehicle to intentionally harm GM and raise GM’s labor costs.

3. Nevertheless, the Sixth Circuit affirmed a decision dismissing GM’s complaint in its entirety, principally on the ground that the presence of an additional, intermediary victim (here, FCA workers) forecloses a finding of proximate cause for purposes of a RICO claim. Ex.1 at 15-16. The court acknowledged that GM was the intended target of FCA’s scheme, but held that FCA’s intent to harm GM is irrelevant under RICO’s proximate cause inquiry. Ex.1 at 14-15.

4. The Sixth Circuit’s decision conflicts with this Court’s cases and the decisions of multiple courts of appeals that make clear that “one who intentionally causes injury to another is subject to the liability to the other for that injury.” *Bridge v. Phoenix Bond & Indemnity Co.*, 553 U.S. 639, 657 (2008) (alterations omitted). If left standing, the decision below also threatens to foreclose many victims of obvious racketeering schemes from recovering, even though Congress determined long ago that victims of racketeering deserve a remedy.

5. Applicants' counsel, Paul D. Clement, has substantial briefing and argument obligations between now and the due date of the petition. Among other things, counsel has a reply brief in *Cline v. Sunoco, Inc. (R&M)*, No.22-7018 (10th Cir.), oral argument in this Court in *Axon Enterprise, Inc. v. FTC*, No. 21-86 (U.S.), and an opening brief in *Maine Lobstermen's Association v. National Marine Fisheries Service*, No. 22-5238 (D.C. Cir.).

WHEREFORE, for the foregoing reasons, Applicants requests that an extension of time to and including December 9, 2022, be granted within which Applicant may file a petition for a writ of certiorari.

Respectfully submitted,



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