

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

No. 22A564

SIGNET BUILDERS, INC.,
v.
JOSE AGEO LUNA VANEGAS,

**APPLICATION TO THE HON. AMY CONEY BARRETT,
FOR A FURTHER EXTENSION OF TIME WITHIN WHICH TO FILE
A PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT**

Pursuant to Supreme Court Rule 13(5), Signet Builders, Inc. (“Applicant”) hereby moves for a second extension of time, of 30 days, to and including March 13, 2023, 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 February 9, 2023.

In support of this request, Applicant states as follows:

1. The United States Court of Appeals for the Seventh Circuit rendered its decision on August 19, 2022 (First Mot. for Extension, Ex. 1), and denied a timely petition for rehearing on October 12, 2022 (First Mot. for Extension, Ex. 2). This Court has jurisdiction under 28 U.S.C. §1254(1).
2. On December 19, 2022, undersigned counsel for the Applicant, Paul D. Clement, applied for an extension of time, of 30 days, to and including February 9, 2023, for the filing of a petition for a writ of certiorari.
3. On December 21, 2022, Justice Barrett granted that application.

4. In support of the first application for an extension, counsel explained that this case involves the Fair Labor Standards Act (FLSA) and, in particular, the agricultural exemption from the FLSA's overtime-pay requirement. Plaintiff, a citizen of Mexico, worked for Signet on farms in several states building livestock confinement structures, and did so under an H-2A visa, which allows citizens of other countries to perform agricultural work in the U.S. on a temporary basis. Suing Signet, plaintiff alleged that he had been denied pay due him under the FLSA's overtime-pay requirement. He also sought conditional certification of an FLSA collective consisting of Signet workers who had worked under guestworker visas. Signet moved to dismiss, arguing that plaintiff's work constituted "agriculture" under the FLSA and was thus within the ambit of the agricultural exemption to the FLSA's overtime-pay requirement. The district court agreed with Signet.

5. The Seventh Circuit reversed, declaring that, "[l]ike all FLSA exemptions, the agricultural exemption must be 'narrowly construed against the employer seeking to assert [it].'" *Luna Vanegas v. Signet Builders, Inc.*, 46 F.4th 636, 641 (7th Cir. 2022) (quoting 29 C.F.R. §780.2). The Seventh Circuit then did exactly that, giving the agricultural exemption a cramped interpretation and reversing the district court's judgment because "the applicability of the exemption" to plaintiff had not been established "beyond debate." *Id.* at 639. In so holding, the court of appeals resurrected the exact narrow-reading approach that this Court emphatically interred in *Encino Motorcars, LLC v. Navarro*, 138 S.Ct. 1134, 1142 (2018) (holding that the FLSA's "exemptions are as much a part of the FLSA's purpose as the overtime-pay

requirement” and that courts “have no license to give [FLSA] exemption[s] anything but a fair reading.”).

6. Signet petitioned for rehearing en banc, emphasizing that the panel decision flouted *Encino Motorcars* and conflicted with other circuits’ decisions. But, as noted in the previous extension application, the Seventh Circuit denied that petition.

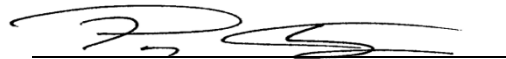
7. As noted in the previous extension application, Applicant’s counsel was not involved in the proceedings below and requires additional time to prepare a petition that fully addresses the important and far-reaching issues raised by the decision below in a manner that will be most helpful to the Court.

8. While counsel has been working diligently in preparing this petition, Mr. Clement also has substantial briefing and argument obligations between now and the current due date of the petition, including: a motion to dismiss in *Tesla Inc. v. Louisiana Automobile Dealers Ass’n*, No. 2:22-cv-02982 (E.D. La.), due January 31; oral argument in *Andes Petroleum Ecuador Ltd. v. Occidental Expl. & Prod. Co.*, No. 21-3039 (2d Cir.), on February 2; a brief regarding jurisdiction in *Eyre v. Rosenblum*, No. No. 3:22-cv-01862 (D. Or.), due February 2; a response brief in *Amgen Inc. v. Sanofi*, No. 21-757 (U.S.), due February 3; a brief in opposition to plaintiffs’ motion for summary judgment in *US Dominion, Inc. v. Fox News Network, LLC*, No. N21C-03-257 (Del. Sup. Ct.), due February 3; a reply in support of preliminary injunction, *Nat’l Shooting Sports Found. v. Jennings*, No. 22-cv-1499 (D. Del.), due February 3; a reply brief in *Energy Transfer LP v. The Williams Companies, Inc.*,

No. 391, 2022 (Del. S. Ct.), due February 6; and a reply brief in *Twitter, Inc. v. Taamneh*, No. 21-1496 (U.S.), due February 9. More time is required, commensurate with counsel's other responsibilities, to adequately research and brief the important issues posed by this matter.

WHEREFORE, for the foregoing reasons, Applicant respectfully requests that an extension of time to and including March 13, 2023, be granted within which it may file a petition for a writ of certiorari.

Respectfully submitted,



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