
In The
SUPREME COURT OF THE UNITED STATES
October Term 2022

CLA USA INC. and CLA ESTATE SERVICES, INC.
Applicants/Petitioners,

v.

STATE OF WASHINGTON,
Respondent.

**Application for an Extension of Time Within
Which to File a Petition for a Writ of Certiorari to the
Supreme Court for the State of Washington**

**APPLICATION TO THE HONORABLE JUSTICE
ELENA KAGAN AS CIRCUIT JUSTICE**

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March 13, 2023

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APPLICATION FOR AN EXTENSION OF TIME

Pursuant to Rule 13.5 of the Rules of this Court, Applicants CLA USA Inc. and CLA Estate Services, Inc. hereby request a 60-day extension of time within which to file a petition for a writ of certiorari up to and including Monday, July 10, 2023.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is *State of Washington v. CLA Estate Services, Inc.*, 515 P.3d 1012 (Wash. Ct. App. 2022) (attached as Exhibit 1). The Supreme Court of Washington denied Applicants' petition for review on February 8, 2023 (attached as Exhibit 2).

JURISDICTION

This Court will have jurisdiction over any timely filed petition for certiorari in this case pursuant to 28 U.S.C. § 1257. Under Rules 13.1, 13.3, and 30.1 of the Rules of this Court, a petition for a writ of certiorari is due to be filed on or before May 9, 2023. In accordance with Rule 13.5, this application is being filed more than 10 days in advance of the filing date for the petition for a writ of certiorari.

REASONS JUSTIFYING AN EXTENSION OF TIME

Applicants respectfully request a 60-day extension of time within which to file a petition for a writ of certiorari seeking review of the decision of the Washington Court of Appeals in this case, up to and including July 10, 2023.

1. An extension will permit counsel for Applicants, who practice law on opposite coasts of the country, the time required to adequately coordinate in

preparing a well-researched petition that clearly and thoroughly presents the serious issues of federal law relevant to this case.

2. The extension of time is also necessary in light of the press of other client matters which have several critical events scheduled in the weeks leading up to the current deadline. These include:

- Respondents' Brief in *United States, ex rel. Tracy Schutte, v. SuperValu Inc.*, No. 20-1326 (S. Ct.), and *United States, ex rel. Thomas Proctor v. Safeway, Inc.*, No. 22-111 (S. Ct.), due March 21, 2023.
- Reply Brief in *Daniel Bader v. United States*, No. 22-2203 (Fed. Cir.), due March 28, 2023.
- Reply Brief in *Nev. Irrigation Dist. v. Cal. State Water Res. Control Bd.*, No. 22-743 (U.S.), due March 28, 2023.
- Opening Brief of Appellants and Joint Appendix, *S.C. State Ports Auth. v. NLRB*, No. 23-1059 (4th Cir.), due March 31, 2023.
- Joint Appendix in *Bader v. United States*, No. 22-2203 (Fed Cir.), due April 4, 2023.
- Oral Argument in *United States, ex rel. Tracy Schutte, v. SuperValu Inc.*, No. 20-1326 (S. Ct.), and *United States, ex rel. Thomas Proctor v. Safeway, Inc.*, No. 22-111 (S. Ct.), scheduled for April 18, 2023.

3. There is also good cause for an extension because this case presents important issues of federal law. The Washington Court of Appeals adopted an overbroad construction of a consumer protection law which (1) allows the state to

penalize substantial amounts of speech protected by the First Amendment and (2) runs afoul of the Due Process Clause by approving a state attorney general's authority to seek substantial civil penalties for conduct long understood to be permissible based on a novel interpretation of an ambiguous consumer protection statute. These issues present serious threats to businesses which, like Applicants here, will be forced to stop operating in states that penalize protected expression and refuse to provide guidance on the application of their laws.

Finally, the additional time will not significantly postpone the Court's action on the petition because even if filed on May 9, the petition would not be reviewed until at least the First Monday in October. With the 60-day extension, the petition will still be ready for review on that same date.

CONCLUSION

For the foregoing reasons, Applicants respectfully request that this Court grant an extension of 60 days, up to and including July 10, 2023, within which to file a petition for a writ of certiorari in this case.

Respectfully submitted,

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