

No. 23-\_\_

*In the Supreme Court of the United States*

JDH PACIFIC, INC.,

Petitioner,

PRECISION-HAYES INTERNATIONAL, INC.

Respondent.

**APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE A  
PETITION FOR A WRIT OF CERTIORARI**

TO THE HONORABLE SAMUEL A. ALITO, JR., ASSOCIATE JUSTICE AND CIRCUIT  
JUSTICE FOR THE FIFTH CIRCUIT:

Pursuant to 28 U.S.C. § 2101(c) and Rule 13.5 of the Rules of this Court, Petitioner JDH Pacific, Inc., respectfully requests a 60-day extension of time, up to and including June 26, 2023, within which to file a petition for a writ of certiorari to review the judgment of the Texas Supreme Court in this case. The Texas Supreme Court denied a timely request for rehearing on January 27, 2023. Unless extended, the time to file a petition for a writ of certiorari will expire on April 27, 2023. The jurisdiction of this Court will be invoked under 28 U.S.C. §1257. A copy of the Texas Supreme Court's original opinion is attached as Exhibit A. A copy of the decision denying Petitioner's petition for rehearing is attached as Exhibit B.

The present application is made more than ten days before April 27, 2023.

Counsel of record is a solo practitioner with a heavy caseload and requires additional time to prepare the petition for a writ of certiorari. Additionally, Petitioner's counsel is defending a request for a temporary injunction, handling an appeal in a patent infringement matter, and seeking amicus support for the present petition. Petitioner's counsel is the only surviving child of his 88-year-old widowed

mother who is seriously ill. Supporting and caring for her is a significant time commitment. This has rendered it problematic to complete the necessary work required to prepare the petition within the present deadline.

Undersigned counsel contacted Respondent's counsel and Respondent OPPOSES Petitioner's Request for a sixty-day extension.

Conclusion

WHEREFORE, Petitioner respectfully submits that the Court should grant Petitioner a 60-day extension of time from April 27, 2023 until June 27, 2023 to file its Petition for a Writ of Certiorari.

Respectfully submitted,

/s/Malcolm E. Whittaker

Malcolm E. Whittaker

*Counsel of Record*

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Certificate of Service

A copy of this application was served by email and U.S. Mail to counsel listed below in accordance with Supreme Court Rule 22.2 and 29.3 on April 11, 2023:

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Respectfully submitted,

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