

No. _____

In the Supreme Court of the United States

JENNIFER L. COOPER, EUGENE DIXON, FRANCIS J. CIZMAR,
ANNA PENNALA, KATHLEEN DAAVETILA, CYNTHIA BRUNELL,
KARYN CHOPJIAN, AND ABBIE HELMINEN, INDIVIDUALLY, AND ON BEHALF OF
ALL OTHERS SIMILARLY SITUATED,

Applicants,

v.

US DOMINION, INC., DOMINION VOTING SYSTEMS, INC.,
DOMINION VOTING SYSTEMS CORPORATION, AND
HAMILTON PLACE STRATEGIES, LLC.

Respondents.

To the Honorable Neil M. Gorsuch,
Associate Justice of the United States and
Circuit Justice for the Tenth Circuit

**APPLICATION TO EXTEND THE TIME TO FILE A PETITION FOR
WRIT OF *CERTIORARI* TO THE UNITED STATES COURT OF
APPEALS FOR THE TENTH CIRCUIT**

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RULE 29.6 STATEMENT

The Applicants are all natural persons without parent companies or stock.

**APPLICATION TO EXTEND THE TIME TO FILE A PETITION
FOR WRIT OF *CERTIORARI* TO THE UNITED STATES COURT
OF APPEALS FOR THE TENTH CIRCUIT**

To the Honorable Associate Justice Neil M. Gorsuch, as Circuit Justice for the United States Court of Appeals for the Tenth Circuit:

Pursuant to Supreme Court Rule 13.5, Jennifer L. Cooper, Eugene Dixon, Francis J. Cizmar, Anna Pennala, Kathleen Daavettila, Cynthia Brunell, Karyn Chopjian, and Abbie Helminen, individually, and on behalf of all others similarly situated (“Applicants”), hereby respectfully apply for a 60-day extension of the time within which to petition for a writ of *certiorari* in this matter—to and including Friday, June 14, 2024.

The current deadline for filing a petition for writ of *certiorari* is Monday, April 15, 2024.¹ Applicants file this application more than ten days prior to the current deadline. Sup. Ct. R. 30.2. No previous extension of time to file a petition for *certiorari* has been sought or granted.

In support of this request, Applicants state as follows:

1. The judgment sought to be reviewed is the unpublished Order and Judgment issued by a panel of the United States Court of Appeals for the Tenth Circuit on December 13, 2023. App. 1a. The Tenth Circuit issued its Order denying Applicants’ timely petition for rehearing and denying Applicants’ request to publish the Order and Judgment on January 16, 2024. App. 22a. The United States District

¹ Ninety days after entry of the Tenth Circuit’s January 16, 2024 Order denying rehearing, App. 22a, will fall on Monday, April 15, 2024.

Court for the District of Colorado entered the underlying judgment on September 22, 2022. App. 23a. This Court has jurisdiction under 28 U.S.C. § 1254(1).

2. Applicant's counsel is a solo practitioner and has had competing professional obligations during the 90-day period provided by Rule 13.5 that have affected the ability to complete the petition for a writ of *certiorari* by the current deadline. These include: (1) counsel's participation as co-lead counsel in a four-week federal trial conducted in the Northern District of Georgia from January 9 to February 2, 2024, which required additional non-delegable work through March 1, 2024, on voluminous post-trial submissions; (2) counsel's ongoing preparation of a different petition for *certiorari* pending submission to this Court for a matter in the Ninth Circuit; (3) counsel's ongoing preparation of an appellate merits brief for the Colorado Court of Appeals, plus related motions practice; (4) counsel's preparations for an April 5th evidentiary hearing in a Colorado state-court matter. Due to the nature of solo practice, counsel has been unable to delegate work on any of these matters to fellow attorneys. Thus, counsel needs additional time to prepare the Applicant's petition for *certiorari*.

3. This case involves at least two important federal questions that warrant an extension of time that will allow counsel sufficient opportunity to adequately present them:

First, this Court should decide whether the Tenth Circuit panel departed from this Court's and the Tenth Circuit's own precedents when it held that the Applicants' receipt of cease-and-desist letters, threatening imminent litigation

unless the Applicants ceased speaking about problems they witnessed during the 2020 election, was not an injury-in-fact for purposes of Article III standing.

Second, this Court should decide whether the panel’s decision affirming in part and reversing in part the District Court should have been published as binding precedent in the Tenth Circuit. At nineteen pages, the panel’s analysis of standing precedent involved more than a routine application of established points of law; indeed, the panel reversed a ruling by the Chief Judge of the District of Colorado that found standing for one claim, *compare* App. 16a–19a, *with*, App. 44a–45a, even as the concurring panel Judge expressed “less confidence than the majority that Plaintiffs lack standing on all theories raised on appeal.” App. 20a. Under these circumstances, when the panel denied the Applicants’ request for publication, App. 22a, it rendered its decision “private” law, binding only on the Applicants—an outcome inconsistent with the American rule-of-law tradition. To ensure that all litigants receive equal treatment under law, courts must not limit the binding precedential effect of non-routine decisions, especially when jurists have disagreed on the correct outcome.

4. An extension of time that would permit the foregoing and other important issues to be adequately presented to this Court is warranted by the significance of the constitutional interests implicated.

5. The requested 60-day extension will not prejudice the respondents.

6. For all the foregoing reasons, good cause exists to grant the requested 60-day extension of time for Applicants to file a petition for *certiorari*.

CONCLUSION

WHEREFORE, Applicants respectfully request a 60-day extension of the time within which they may file a petition for a writ of *certiorari* in this matter to and including Friday, June 14, 2024.

Dated April 2, 2024.

Respectfully submitted,



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