

IN THE
**Supreme Court of the
United States**

B.W., A MINOR, BY NEXT FRIENDS
M.W. AND B.W., FORMERLY KNOWN
HEREIN AS JON AISD DOE,
Petitioner,

v.

AUSTIN INDEPENDENT SCHOOL DISTRICT,
Respondent.

**On Petition for Writ of Certiorari
to the United States Court of Appeals
for the Fifth Circuit**

**PETITIONER'S RESPONSE IN
OPPOSITION TO RESPONDENT'S SECOND
APPLICATION FOR EXTENSION OF TIME
WITHIN WHICH TO RESPOND TO
APPLICATION FOR WRIT OF CERTIORARI**

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Counsel for Petitioner

Petitioner hereby submits this Response in Opposition to Respondent's Second Application for Extension of Time Within Which to Respond to Application for Writ of Certiorari. For the reasons set forth below, the Court should deny Respondent's Application.

I.

1. On December 9, 2024, Petitioner sent Respondent a settlement demand. Respondent did not provide Petitioner a counter to that demand.

2. On February 10, 2025, Petitioner filed his Petition for Writ of Certiorari.

3. On March 10, 2025, Respondent waived its right to file a Response to the Petition.

4. On March 25, 2025, this Court called for a Response to the Petition, to be filed by April 24, 2025.

5. After the Court called for a Response, Respondent approached Petitioner regarding mediation.

6. Petitioner agreed that mediation might be fruitful, although considering Petitioner had made his prior demand before the Court called for a Response, that prior demand was obsolete.

7. On April 14, 2025, Respondent asked the Court to extend its deadline to file a Response to the Petition until May 23, 2025, which would allow mediation to occur. Petitioner did not oppose that request.

8. On April 15, 2025, the Court extended Respondent's deadline to file a Response to the Petition to May 23, 2025.

9. The parties jointly sought and obtained an order from the district court referring the case to mediation before a Magistrate Judge, which was scheduled for May 8, 2025.

10. The Magistrate Judge, the Honorable Susan Hightower, ordered (1) Petitioner to make a demand on Respondent by April 22, 2025 and (2) Respondent to make a counteroffer to Petitioner by April 30, 2025.

11. On April 19, 2022, Petitioner formally rescinded his obsolete settlement demand from December 2024.

12. On April 22, 2025, Petitioner made a monetary demand on Respondent in compliance with the Magistrate Judge's order.

13. On April 30, 2025, Respondent communicated with Petitioner regarding Petitioner's demand, but Respondent refused to make a monetary counteroffer. Instead, Respondent indicated that it would not make a monetary counteroffer until the mediation session itself.

14. On May 2, 2025, due to Respondent's failure to make a monetary counteroffer, which, in light of the Magistrate Judge's order, Petitioner viewed as a precondition to mediation, Petitioner's counsel informed the Magistrate Judge and Respondent's counsel that he was cancelling the mediation. Later that day, the Magistrate Judge informed the parties she was removing the mediation from her calendar.

15. Also on May 2, 2025, Petitioner filed a motion seeking to formally cancel the mediation. On May 6, 2025, the Court granted that motion.

II.

16. The Court should deny Respondent's Second Application for an Extension of Time for two reasons.

17. First, the cancellation of the mediation was occasioned by Respondent's own failure to make a monetary counteroffer to Petitioner's demand as contemplated by the Magistrate Judge's order. Respondent should not benefit from its own gamesmanship and failure to fully engage in the mediation process.

18. Second, Respondent has known since May 2, 2025 that the mediation was not going forward. Including the time before Respondent filed its first Application for Extension of Time, Respondent will have had over thirty days to prepare its Response to the Petition. Respondent sets forth no explanation why this amount of time is insufficient to allow it to prepare its Response or why it waited almost two weeks to file its second Application for Extension of Time.

CONCLUSION

For the foregoing reasons, the Court should deny Respondent's Second Application for Extension of Time to Respond to Petitioner's Petition for Writ of Certiorari.

Respectfully submitted,



JOSH DIXON
Counsel for Petitioner

May 15, 2025

No. 24-871

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CERTIFICATE OF SERVICE

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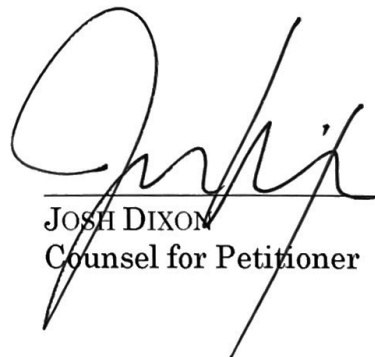
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Counsel for Petitioner

I hereby certify that on May 15, 2025, in compliance with Rule 29.5(b) of the Rules of the Supreme Court of the United States, I caused a copy of **PETITIONER'S RESPONSE IN OPPOSITION TO RESPONDENT'S SECOND APPLICATION FOR EXTENSION OF TIME WITHIN WHICH TO RESPOND TO APPLICATION FOR WRIT OF CERTIORARI** to be served upon Counsel for Respondent, the only party upon whom service is required, by mailing through the United States Postal Service at the following address:

Chris Gilbert
Thompson & Horton LLP
3200 Southwest Freeway
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Houston, TX 77027
(832) 868-1663
Counsel for Respondent

I have also caused a copy of the document to be emailed to Counsel for Respondent at the following address: cgilbert@thompsonhorton.com.



JOSH DIXON
Counsel for Petitioner