

No. 24A____

IN THE
Supreme Court of the United States

DESIGNWORKS HOMES INC.,
CHARLES LAWRENCE JAMES

Petitioners,

v.

COLUMBIA HOUSE OF BROKERS REALTY INC. D/B/A HOUSE BROKERS INC, JACKIE
BULGIN & ASSOCIATES, SHANNON L. O'BRIEN, NICOLE WALDSCHLAGER, DEBORAH ANN
FISHER, JACQUELINE BULGIN D/B/A JACKIE BULGIN, CAROL S. DENNNINGHOFF, SUSAN
HORAK D/B/A THE SUSAN HORAK GROUP RE/MAX BOONE REALTY, BOONE GROUP LTD.
D/B/A RE/MAX BOONE REALTY

Respondents.

APPLICATION TO EXTEND THE TIME TO FILE A PETITION FOR WRIT
OF CERTIORARI FROM JUNE 24, 2025, TO AUGUST 25, 2025

To the Honorable Brett M. Kavanaugh,
Circuit Justice for the Eighth Circuit:

Pursuant to 28 U.S.C. § 2101(c) and to Supreme Court Rules 13.5, 22, and 30.3, Petitioners—Designworks Homes Inc. and Charles Lawrence James—respectfully request that the time to file a petition for a writ of certiorari be extended 62 days, up to and including Monday, August 25, 2025. The U.S. Court of Appeals for the Eighth Circuit issued its opinion January 14, 2025. App.A, *infra*. It denied rehearing on March 26. App.C, *infra*. Without extension, the cert petition is due June 24. This Application is made on the Monday following the weekend day ten days prior. See Sup. Ct. R. 13.5. This Court's jurisdiction would be invoked under 28 U.S.C. § 1254.

For the reasons detailed herein, the timeframe to submit a petition should be extended by 62 days.

Procedural Background

1. In a prior petition to this Honorable Court, Respondents sought review of the Eighth Circuit's judgment regarding the interpretation of 17 U.S.C. § 120(a), a provision of the U.S. Copyright Act that pertained to the scope of copyrights and intellectual property in proprietary house plans. This Honorable Court denied review on June 27, 2022.

2. On remand, the District Court held that the commercial appropriation of an architect's architectural designs by a realtor was fair – even though the architect has not been paid or given credit, even though the homeowner had not given approval to publicly display where their children slept, and even though the home was not being offered for sale at the time that the floor plan remained online. Adopting an unprecedented position, the District Court held that the commercial nature of the use supported the finding that the use was fair and, further, held contrary to this Court's precedents that the commercial appropriation was transformative. App.B, *infra*.

3. A Panel of the Eighth Circuit affirmed, again, relying on the theory that the use was transformative. App. A, *infra*. Then, the Eighth Circuit denied a timely filed petition for rehearing. App.C, *infra*. Petitioners intend to petition this Honorable Court for review of the lower courts' decisions and judgments.

Reasons for Granting an Extension of Time

4. Several reasons establish good cause and justify an extension here, including centrally **(1)** a sudden and unexpected death of someone very important in the life of Petitioners' counsel; **(2)** the cascading consequences of that death upon an already heavy press of business.

5. A person very important in the life of counsel for Petitioners life died suddenly and unexpectedly in May. The person's death has occasioned both a lot turmoil and a lot of time-sensitive tasks – emergency travel, assisting in drafting an obituary, including funeral preparation, caring for loved ones, and assisting in administration of an estate / making arrangements for survivors. This has cascading consequences in the practice of Plaintiff's counsel such that an extension is warranted.

6. This death has, in turn, has cascading consequences upon the undersigned's practice given that it has led to a significant period where the undersigned counsel not devote himself to his practice. Especially because the undersigned has a nonprofit practice without ability to transfer caseload of nonprofit clients to other lawyers or law firm, this burden cannot be readily shifted without extension.

Conclusion

For the foregoing reasons, the deadline to file a cert petition should be extended by 62 days.

Respectfully submitted,

/s/ Andrew Grimm

Andrew Grimm

Counsel of Record

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