

App. No. 25A-____

IN THE

Supreme Court of the United States

CHERI POE,

Petitioner,

v.

NORTHWESTERN MUTUAL LIFE INSURANCE COMPANY,

Respondent.

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

**APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI**

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To the Honorable Elena Kagan, Circuit Justice for the United States Court of Appeals for the Ninth Circuit:

Applicant Cheri Poe’s petition for a writ of certiorari is currently due by August 4, 2025. Under Supreme Court Rule 13.5 and 28 U.S.C. § 2101(c), Poe respectfully requests a 30-day extension of time—up to and including September 3, 2025—in which to file a petition for a writ of certiorari.¹

In support of this request, counsel state as follows:

1. On March 4, the Ninth Circuit issued a Memorandum Disposition deciding the appeal below. *See* Exhibit 1, *Poe v. Northwestern Mutual Life Ins. Co.*, ECF No. 126.1, Nos. 23-3124 & 23-3243 (9th Cir. Mar. 4, 2025).
2. Poe petitioned for rehearing and rehearing en banc. On May 6, the Ninth Circuit denied rehearing and rehearing en banc. *See* Exhibit 2, *Poe v. Northwestern Mutual Life Ins. Co.*, ECF No. 133.1, Nos. 23-3124 & 23-3243 (9th Cir. May 6, 2025). Poe’s petition for a writ of certiorari, therefore, is currently due by August 4. *See* S. Ct. R. 13.3.
3. Among its holdings, the Ninth Circuit denied Poe’s motion to certify a question of state law to the California Supreme Court. *See* Exhibit 1 at 3. In her certiorari petition, Poe expects to contend this denial was error and that this Court should grant certiorari to address the appropriate standards for certifying questions of state law to the state’s highest court. This Court has

¹ All dates are 2025.

not addressed these standards since *Lehman Brothers v. Schein*, 416 U.S. 386 (1974).

4. Similar arguments for certiorari are being made in at least two pending cases also arising out of the Ninth Circuit. *See Premium Nutrition v. Montero*, No. 24-999 (pet. filed Mar. 17, 2025, after 60-day extension to seek certiorari); *Small v. Allianz Life Ins. Co. of N. Am.*, No. 24-1225 (pet. filed May 23, 2025, after 30-day extension to seek certiorari). Both petitions have been distributed for conference on June 26. *Id.*
5. In her case, Poe seeks a 30-day extension of time to frame her certiorari petition depending on the outcome of the June 26 conference.
6. As additional grounds for the requested extension, several counsel for Poe have summer travel commitments conflicting with the current due date of August 4. Among those conflicts, lead appellate counsel for Poe has a non-refundable vacation out of the country from July 22 to August 2. This travel was booked before the Ninth Circuit denied rehearing on May 6.

For these reasons, Poe respectfully asks this Court to enter an order extending the time for file a petition for a writ of certiorari by 30 days, up to and including September 3, 2025.

Respectfully submitted,

Dated: June 17, 2025

By: /s/ Steve W. Berman

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