

No.

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

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STATE OF MARYLAND,

*Petitioner,*

*v.*

3M COMPANY,

*Respondent.*

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IN RE: AQUEOUS FILM-FORMING FOAMS  
PRODUCT LIABILITY LITIGATION

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STATE OF SOUTH CAROLINA,  
*ex rel. Alan M. Wilson, in his official capacity*  
*as Attorney General of the State of South Carolina,*

*Petitioner,*

*v.*

3M COMPANY,

*Respondent.*

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**APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE A  
PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE FOURTH CIRCUIT**

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Application to the Honorable John G. Roberts, Jr.,  
as Circuit Justice for the Fourth Circuit

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In accordance with Supreme Court Rule 13.5, Applicants the State of Maryland and the State of South Carolina request a 60-day extension of time, to and including October 27, 2025, within which to file a petition for a writ of certiorari from

the court of appeals’ decision in the above-captioned matters.

1. The decision below is *State of Maryland v. 3M Company*, No. 24-1218, which was issued on March 7, 2025. Exhibit A. The States sought rehearing en banc, which was denied on May 28, 2025. Exhibit B. Unless extended, the States’ time to seek certiorari in this Court expires August 26, 2025. *See* S. Ct. R. 13.1, 13.3. The States are filing this application at least ten days before that date. *See* S. Ct. R. 30.2. This Court’s jurisdiction would be invoked under 28 U.S.C. § 1254(1). Respondent 3M Company does not object to this extension request.

2. This case concerns federal officer removal jurisdiction. By statute, “[a] civil action . . . that is commenced in a State court . . . may be removed . . . to the district court of the United States” when that action “is against or directed to . . . any officer (or any person acting under that officer) of the United States or of any agency thereof, in an official or individual capacity, for or relating to any act under color of such office.” 28 U.S.C. § 1442(a)(1).

Each of the States filed suit in its own state court against manufacturers and sellers of products containing per- and polyfluoroalkyl substances (“PFAS”) for environmental contamination caused by these chemicals. Ex. A at 4–6. Respondent 3M Company removed the suits to the United States District Courts for the District of Maryland and the District of South Carolina, respectively. Invoking 28 U.S.C. § 1442(a)(1), 3M asserted in each case that it produced aqueous film-forming foam (“AFFF”), a type of PFAS product, at the direction of the federal government. Ex. A at 4.

Both district courts ordered the cases remanded back to state court, and 3M

appealed to the United States Court of Appeals for the Fourth Circuit. *Id.* at 7–9. The court of appeals consolidated the cases and reversed after briefing and argument. *See id.* at 21–22. The States’ petition for rehearing en banc was denied. Exhibit. B.

3. The States intend to file a petition for a writ of certiorari, as they believe that the court of appeals “entered a decision in conflict with the decision of another United States court of appeals on the same important matter” and that the decision below raises “an important question of federal law.” *See* S. Ct. R. 10(a), (c).

4. Counsel has multiple upcoming and competing briefing deadlines and oral arguments requiring significant attention in the coming weeks. *E.g.*, *City & County of Honolulu v. Sunoco LP*, No. 1CCV-20-380 (Haw. Cir. Ct.) (summary judgment argument July 29; three summary judgment opposition briefs due August 1; an additional summary judgment opposition brief due August 18; and summary judgment hearings on September 9, 16, and 18); *Mayor & City Council of Baltimore v. B.P. P.L.C.*, No. 11 (Md.) (reply brief due August 4).

Additionally, the States intend to file a single joint petition for certiorari. The States are represented by different counsel, necessitating additional time for coordination and conferral, as well as internal review by both offices, in preparing the petition.

5. The States therefore respectfully request a 60-day extension of the time within which to file a certiorari petition, to and including October 27, 2025. The requested extension would not prejudice 3M, which has no objection to the extension.

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Respectfully submitted,

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