

In the Supreme Court of the United States

JERI PEARSON, ELIZABETH KLEM, BEN
HOMAN, AND ROB FOWLER

Applicants,

v.

SHRINERS HOSPITALS FOR CHILDREN, INCORPORATED;
SHRINERS HOSPITALS FOR CHILDREN, TEXAS; BEVERLY
BOKOVITZ; FRANCES FARLEY; JERRY GANTT; JOHN MCCABE;
PHILLIP GRADY; CECILE ERWIN-YOUNG,

Respondents.

To the Honorable Samuel Alito, Jr.,
Associate Justice of the United States and
Circuit Justice for the Fifth Circuit

**APPLICATION TO EXTEND THE TIME TO FILE
A PETITION FOR A WRIT OF *CERTIORARI***

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RULE 29.6 STATEMENT

Applicants are natural persons.

APPLICATION TO EXTEND THE TIME TO FILE A PETITION FOR A
WRIT OF CERTIORARI

To the Honorable Associate Justice Samuel Alito Jr., as Circuit Justice for the United States Court of Appeals for the Fifth Circuit:

Pursuant to Supreme Court Rule 13(5), Jeri Pearson, Elizabeth Klem, Ben Homan, and Rob Fowler (“Applicants”) hereby respectfully apply for an extension of 50 days from July 28, 2025 — to and including September 16, 2025 — to petition this Honorable Court for a writ of *certiorari*. Unless an extension is granted, the deadline for filing the petition for certiorari will be July 28, 2025, which is 90 days from the issuance of the April 29, 2025 Judgment of the Fifth Circuit (App: 3a)(Supreme Court Rule 13.1). Applicant files this application less than ten days prior to the current deadline.

In support of this request, Applicant states as follows:

1. In its opinion herein dated April 2, 2025, the United States Court of Appeals for the Fifth Circuit affirmed the decision of the District Court in proceedings instituted by Applicants. (App:1a) Applicants timely filed a Petition for Rehearing *En Banc* with the Fifth Circuit on April 16, 2025, which the Fifth Circuit declined and issued its Judgment on April 29, 2025. (App:2a) This Court has jurisdiction under 28 U.S.C. § 1254(1).

2. This case arrives before this Court under Rule 12(b)(6), and presents novel questions of law regarding the application of: (1) whether the The Public Readiness and Emergency Preparedness Act expressly prohibits states from establishing legal requirements conflicting with the Food, Drug, and Cosmetic Act as

stated under 42 U.S.C. § 247d-6d(b)(8), (2) whether a state can arbitrarily amend the terms of its federal agreements and use a private party to accomplish a result that the state cannot mandate directly pursuant to this Court's precedent under *Bailey v. Alabama*, 219 U.S. 219 (1911) and *Speiser v. Randall*, 357 U.S. 513 (1958), (3) whether the legally effective informed consent doctrine, applicable to unapproved medical treatments, is a property right pursuant to this Court's precedent under *Board of Regents of State Colleges v. Roth*, 408 U.S. 564 (1972) and subject to the Due Process Clause enforceable under 42 U.S.C. § 1983 pursuant to *Dennis v. Higgins*, 498 U.S. 439 (1991), and (4) whether a party acting on behalf of the federal and state governments under the CDC COVID-19 Vaccination Program and the Federalwide Assurance program can mandate nonconsensual use of an unapproved medical treatment when the party is under federal obligations prohibiting such conduct.

3. The Applicants' late filing of this application, less than ten days before the petition's due date, stems from exceptional circumstances, namely their lack of financial resources to secure adequate legal counsel, which is outside of their control. However, over 100 plaintiffs in *Bridges v. Houston Methodist*, 4:23-cv-1699 (5th Cir.), intend to petition this Court for certiorari on or before September 30, 2025, involving a nearly identical set of facts and have committed to funding the concurrent filing of Applicants' brief.

4. Notably, the *Houston Methodist* court extensively relied on the Shriners' ruling to justify granting Respondents' Rule 12(b)(6) motion to dismiss. Therefore, it is in the interest of justice and this Court's resources for both cases to be brought

forth concurrently. This case significantly affects the \$600 billion pharmaceutical industry, 30,000 federal contractors, and the rights of Americans concerning unapproved medical treatments under research conditions. Accordingly, Applicants request additional time to engage suitable counsel to effectively present these critical issues to the Court.

6. The requested 50-day extension would not prejudice the respondents who have similar cases pending in the Third (*Boyd v. Shriners Hospitals*, 25-1183 (3rd Cir.) and Ninth Circuit Courts (*Roberts v. Inslee*, 24-1949 (9th Cir.).

CONCLUSION

WHEREFORE, for the foregoing reasons, Applicants request a 50-day extension of time—to and including September 16, 2025— within which Applicants may file for a writ of *certiorari*.

Dated: July 22, 2025

Respectfully submitted,

s/ David J. Schexnaydre

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CERTIFICATE AS TO FORM

Pursuant to Sup. Ct. Rules 22 and 33, I certify that the foregoing application is proportionately spaced, has a typeface of Century Schoolbook, 12 point, and contains 2 pages (and 300 words) respectively, excluding this Certificate as to Form, the Table of Contents, and the Certificate of Service.

CERTIFICATE OF SERVICE

The undersigned certifies that, on the 23rd day of July 2025, in addition to filing the foregoing document—together with its appendix—via the Court’s electronic filing system, one true and correct copy of the foregoing document and appendix was served by Regular Mail, with a PDF courtesy copy served via electronic mail on the following counsel:

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The undersigned further certifies that, on this 22nd day of July 2025, an original and two true and correct copies of the foregoing document and its appendix were sent by email with paper copies following by Priority Mail delivery to the Court.

Executed July 22, 2025

s/ David J. Schexnaydre

David J. Schexnaydre