

No. \_\_\_\_\_

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**In the Supreme Court of the United States**

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PARKER DRILLING MANAGEMENT SERVICES, LTD.

*Petitioner,*

v.

BRIAN NEWTON

*Respondent.*

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**APPLICATION FOR EXTENSION OF TIME TO FILE  
PETITION FOR WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE  
NINTH CIRCUIT**

RONALD J. HOLLAND\*  
ELLEN B. BRONCHETTI  
MCDERMOTT WILL & EMERY LLP  
275 MIDDLEFIELD ROAD, SUITE 100  
MENLO PARK, CALIFORNIA, 94025  
(650) 815-7400

*Attorneys for Petitioner*

*\* Counsel of Record*

June 28, 2018

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To the Honorable Anthony Kennedy, Associate Justice of the United States and Circuit Justice for the United States Court of Appeals for the Ninth Circuit:

Pursuant to Supreme Court Rule 13.5, Petitioner Parker Drilling Management Services, Ltd. prays for a thirty-day extension of time to file its petition for a writ of certiorari. Absent an extension, Petitioner's time to file that petition expires July 26, 2018; this application is being filed more than ten days before that date. Petitioner requests an extension of thirty days from July 26, 2018, *i.e.*, up to and including the next business day after August 25, 2018, which is Monday, August 27, 2018.

## JUDGMENT SOUGHT TO BE REVIEWED

The United States Court of Appeals for the Ninth Circuit issued its opinion in *Newton v. Parker Drilling Mgmt Services, Ltd.*, No. 15-56352, on February 5, 2018. App. A, *infra*. On April 27, 2018, that court issued its opinion denying the petition for rehearing *en banc* filed by Petitioner. App. B, *infra*. The court issued a separate order on May 16, 2018, staying the issuance of mandate pending the filing of a petition for writ of certiorari to this Court. App. C, *infra*. Copies of the opinion and orders are attached to this Application as required by Rule 13.

This Court has jurisdiction here pursuant to 28 U.S.C. § 1254(1).

### STATEMENT OF GROUNDS JUSTIFYING RELIEF SOUGHT

1. This case presents an issue of import. In its decision below, the Ninth Circuit reversed and vacated the decision of the District Court of the Central District of California, No. 15-cv-02517, granting judgment on the pleadings in favor of Petitioner in an action seeking relief for alleged violations of California wage laws occurring on offshore drilling platforms because there was federal law applicable: the Fair Labor Standards Act. Contrary to the district court, the Ninth Circuit held that the absence of federal law is not a prerequisite to adopting state law under the Outer Continental Shelf Lands Act (“OCSLA”), despite the fact that OCSLA provides for state law to apply only when it is “not inconsistent” with federal law. 43 U.S.C. § 1333(a)(2)(A).

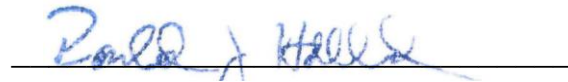
2. This case is cert-worthy. In reaching this conclusion, the Ninth Circuit explicitly rejected the contrary view of the Fifth Circuit in *Cont'l Oil Co. v. London S.S. Owners' Mut. Ass'n.*, 417 F. 2d 1030 (5th Cir. 1969) and its progeny, causing a circuit split that is significant since the Fifth and Ninth Circuits together account for virtually all offshore platforms encompassed by the OCSLA. Further, the Ninth Circuit's adoption of a complete incorporation theory of state law rejected this Court's consistent read of the OCSLA as allowing only selective incorporation of state law. *Rodrigue v. Aetna Casualty and Surety Co., et al.*, 395 U.S. 352 (1969) (“ . . . state law should be applied . . . only when no inconsistent federal law applied . . . ; “ . . . state law would have to be referred to in some instances . . . ”).

3. There is good cause for an extension of time in this case: co-counsel's maternity leave. Ellen Bronchetti and Ronald Holland represented Petitioner in the district court and before the Ninth Circuit, and will serve as its counsel before this Court. Ms. Bronchetti is expecting her first child on June 28, 2018; she anticipates being out of play for four weeks thereafter. During that limited maternity leave, Mr. Holland (who argued this case before the Ninth Circuit) will need to manage her practice as well as his own. As a result, Petitioner needs an additional thirty days for its chosen co-counsel to prepare the petition for a writ of certiorari.

For these reasons, Petitioner requests that an order be entered extending its time to petition for certiorari, up to and including Monday, August 27, 2018.

June 28, 2018

Respectfully submitted,



RONALD J. HOLLAND  
*Counsel of Record*  
ELLEN B. BRONCHETTI  
MCDERMOTT WILL & EMERY LLP  
275 MIDDLEFIELD ROAD  
SUITE 100  
(650) 815-7400

*Attorneys for Petitioners Parker  
Drilling Management Services, Ltd.*

## **RULE 29 STATEMENT**

Petitioner Parker Drilling Management Services, Ltd. (f/k/a Parker Drilling Management Services, Inc.) is wholly owned by Parker Drilling Company, which is a publicly traded company. There are no other publicly traded companies with a 10% or greater interest in Parker Drilling Company.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this the 28th day of June, 2018, I caused a true and correct copy of the foregoing Application for Extension of Time to File Petition for Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit to be served pursuant to Supreme Court Rule 29.3 via first-class mail, postage prepaid and addressed to:

Michael Strauss  
STRAUSS & STRAUSS, APC  
121 N. Fir Street  
Suite F  
Ventura, CA 93001  
(805) 641-6600

*Attorney for Respondents*

  
Ronald J. Holland