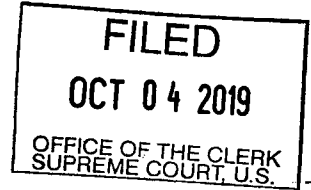


19A401

Fifth Circuit Case No. 18-30362



In The Supreme Court of the United States

**Petitioners, Brenda Mason and Billy C. Mason,
Individually & on behalf of Quamaine Dwayne Mason**

v.

Respondent, Martin Faul, Individually & in His Official Capacity

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

To the Honorable Samuel A. Alito, Justice of the Supreme Court for the Fifth Circuit:

Pursuant to Supreme Court Rules 13.5, 22, and 30.2, Petitioners Brenda Mason and Billy C. Mason, individually & on behalf of Quamaine Dwayne Mason, respectfully request a 45-day extension of time, up to and including November 29, 2019, to file their petition for a writ of certiorari in this Court.

On July 17, 2019, the United States Court of Appeals for the Fifth Circuit entered its opinion and judgment in the case of *Mason v. Faul*, 929 F.3d 762 (5th Cir. 2019) (see Exhibit A attached hereto). Pursuant to Supreme Court Rules 13.1 and 30.1, a writ of certiorari, absent an extension, would be due on or before October 15, 2019. Pursuant to Supreme Court rule 30.2 this request is filed at least 10 days before that date. The jurisdiction of this Court is to be invoked under 28 U.S.C. § 1254(1). This case involves an allegation of excessive force used by an on-duty Lafayette, Louisiana police officer on December 9th, 2011. At its core, this is a civil rights matter, alleging violations of Title 42 of the United States Code, Section 1983. Brenda and Billy Mason, on behalf of their deceased son, Quamaine Dwayne Mason, have maintained this protracted and complex cause

of action. The case involves intricate questions of the nature and extent of qualified immunity, in particular its application to what a jury has already determined to be the objectively unreasonable use of excessive lethal force and constitutional violations of the deceased Quamaine Mason while contemporaneously answering, in the affirmative, a question on the jury's verdict form that asked simply, whether the defendant police officer was entitled to qualified immunity.

With respect to the reasons justifying an extension, lead counsel for Petitioners, Jeffrey F. Speer (the undersigned), most humbly seeks this extension due to health problems, including injuries sustained in an automobile accident that happened on December 2, 2018. Undersigned has been dealing with significant medical issues that have inhibited his ability to work at his normal pace; Mr. Speer has had a series of medical appointments for a variety of ailments, most recently on October 2, 2019 (Exhibit C attached hereto), and, as a consequence, has lost significant time in the office. While these ailments do not prevent Mr. Speer from working diligently, the acute nature of the injuries sustained in the automobile accident has impaired my ability to function at a pace which would enable me to handle this matter in a manner which the case and the clients deserve. Having been lead counsel on this case throughout all litigation thus far, the clients have asked me to do whatever I could to ensure that I remain lead counsel while also requesting that I do not do anything to impede my recovery and/or my health. Due to the size of this file, the importance of this case to the family of the deceased and the amount of litigation that has transpired already, and in accordance with my doctor's reports, I know that I am not yet recovered to such an extent that I am capable of working on this case to the extent that it will require and I, undersigned counsel, am therefore seeking an extension of time to file a writ of certiorari.

An extension of time will ensure that I, Jeffrey F. Speer, undersigned counsel will acquire the time to recover, undergo medical care and thereafter be capable of dedicating the time

necessary to prepare the writ of certiorari herein. As indicated herein, the Petitioners have also voiced a strong desire to keep their same attorney working on this file who has handled it through trial and multiple trips to the United States Court of Appeals for the 5th Circuit. By securing this request for an extension, the wishes of the Petitioners, the parents of a deceased college student, killed during to a confrontation with the Defendant police officer, will be respected and protected.

Accordingly, the Petitioners, Brenda Mason and Billy Mason, individually and on behalf of their deceased son, Quamaine Mason, respectfully requests that an order be entered extending the time to file a petition for a writ of certiorari for 45 days, up to and including November 29, 2019.

Respectfully Submitted,

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/s/ Jeffery F. Speer
JEFFERY F. SPEER (#19398)