

App No. _____

In The
Supreme Court of the United States

CENTRAL SPECIALTIES, INC.,

Applicant,

v.

JONATHAN LARGE; MAHNOMEN COUNTY,

Respondents.

**On Application for an Extension of Time to File Petition for a Writ of
Certiorari to the United States Court of Appeals for the Eighth Circuit**

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March 16, 2022

Corporate Disclosure Statement

Pursuant to Supreme Court Rule 29.6, Applicant Central Specialties, Inc. states that it has no parent corporation and that no publicly held company owns 10% or more of Applicant's stock.

To the Honorable Brett Kavanaugh, as Circuit Justice for the United States Court of Appeals for the Eighth Circuit:

In accordance with this Court’s Rules 13.5, 22, 30.2, and 30.3, Applicant Central Specialties, Inc. respectfully requests that the time to file its petition for a writ of certiorari be extended for 60 days, up to and including Friday, June 10, 2022. The Court of Appeals issued its opinion on November 24, 2021 (Exhibit B) and denied rehearing en banc on January 11, 2022 (Exhibit A). Absent an extension of time, the petition would be due on April 11, 2022. The jurisdiction of this Court is based on 28 U.S.C. 1254(1). This request is unopposed.

Background

This case presents an important question on the application of the qualified immunity doctrine: Whether an official who exceeds the scope of authority granted under state law at the time of the alleged constitutional violation can assert qualified immunity. The circuit courts are in disagreement. Five circuit courts require the official to demonstrate that he was acting within the scope of his employment, as set forth by state law. Three circuits (including the court below) apply the qualified immunity standard without this determination.

Applicant CSI Specialties, Inc. (“CSI”) is a well-respected road construction company, headquartered in Douglas County, Minnesota. Respondent Jonathan Large is a highway engineer for Manhomen County, Minnesota. Large’s job is clearly defined by state law, which places him in “charge of the highway work of the county and the forces employed thereon.” Minn. Stat. § 163.07, subdiv. 1. The law also requires

him to “make and prepare all surveys, estimates, plans, and specifications which are required of the engineer.” *Id.* And he “may impose weight and load restrictions on any highway under [his] jurisdiction.” Minn. Stat. § 163.02, subdiv. 3. Nothing in the law authorizes a county highway engineer to perform warrantless seizures.

In late 2016, CSI contracted with the state of Minnesota, despite Large’s objections. This prompted a contentious relationship, which came to a head on July 18, 2017, when Large, first, engineered a change in the weight limits on the roads that CSI intended to use, so that even its empty semi-trucks would be overweight and, second, forty minutes later, blocked the road with a county truck and forced two CSI trucks to pull over for purportedly violating this road restriction. Other trucks that were clearly in violation of the same weight limit continued to drive by. The CSI trucks, meanwhile, were detained for hours, waiting for the state troopers to arrive, weigh the trucks, and ticket one of the drivers. The following day, the troopers’ supervisor apologized for issuing the ticket, dismissing it.

In November 2017, CSI sued Large and the county that employed him. At this certiorari stage, the only claims that are relevant are: (1) a Fourth Amendment claim against Large for an unreasonable seizure of the drivers and trucks, and (2) a Fifth Amendment equal protection claim against Large for singling out CSI trucks during the stop. The trial court dismissed both claims at summary judgment based on qualified immunity, without analyzing, as a preliminary matter, whether Large exceeded the scope of his authority under state law. The Court of Appeals for the Eighth Circuit affirmed, also without addressing the issue. Judge Grasz filed a dissenting opinion,

stating that the issue should have been addressed and that the majority broke with the Eighth Circuit's precedent in failing to do so. In Judge Grasz's view, by making a traffic stop and detaining the drivers, Large exceeded the scope of his clearly delineated authority and is not entitled to claim qualified immunity. The Eighth Circuit declined CSI's petition for en banc review with Judge Grasz registering a sole dissent.

Reasons For Granting an Extension of Time

On March 7, Applicant retained new, pro bono representation for the purposes of filing a petition for certiorari. This new counsel was not previously involved in litigating this case, and they require additional time to familiarize themselves with the trial and appellate records and to prepare the petition.

There is also the press of business on numerous other matters. Substantial commitments of counsel of record during the relevant time period include:

- An amicus brief in the United States Court of Appeals for the Fifth Circuit in *Craig v. Martin*, No. 19-10013, due March 23, 2022;
- A reply brief in the United States Court of Appeals for the Eighth Circuit in *Pollreis v. Marzolf*, No. 21-3267, due April 6, 2022;
- An amicus brief in the United States Court of Appeals for the Eighth Circuit in *Rockett v. Eighmy*, No. 21-3903, due April 15, 2022;
- An amicus brief in the United States Court of Appeals for the Ninth Circuit in *Duarte v. City of Stockton*, No. 21-16929, due April 22, 2022;
- A complaint in the United States District Court for the Northern District of California, due in May 2022; and
- A civil rights study scheduled to be released in May 2022.

Conclusion

Applicant requests that the time to file a writ of certiorari in the above-captioned matter be extended 60 days to and including June 10, 2022.

Dated this 16th day of March, 2022.

Respectfully submitted,



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