

IN THE SUPREME COURT OF THE UNITED STATES

No. 24-924

WINSTON TYLER HENCELY, PETITIONER

v.

FLUOR CORPORATION, ET AL.

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

MOTION OF THE UNITED STATES FOR LEAVE TO
PARTICIPATE IN ORAL ARGUMENT AS AMICUS CURIAE
AND FOR DIVIDED ARGUMENT

Pursuant to Rules 21, 28.4, and 28.7 of the Rules of this Court, the Solicitor General, on behalf of the United States, respectfully moves for leave to participate in the oral argument in this case as amicus curiae supporting respondents and requests that the United States be allowed ten minutes of argument time. Respondents consent to this motion and have agreed to cede ten minutes of argument time to the United States. Accordingly, if this motion were granted, the argument time would be divided as follows: 30 minutes for petitioners, 20 minutes for respondents, and 10 minutes for the United States.

This case concerns whether the Supremacy Clause preempts state-law tort claims against contractors supporting United States military personnel on a foreign battlefield. The United States has a substantial interest, rooted in its constitutional war powers and federal statutes, in the regulation of contractors that perform combat-support functions overseas. At this Court's invitation, the United States has participated as amicus curiae at the certiorari stage in other cases presenting similar questions. See, e.g., Midwest Air Traffic Control Serv., Inc. v. Badilla, 142 S. Ct. 2674 (2022) (No. 21-867); KBR, Inc. v. Metzgar, 573 U.S. 915 (2014) (No. 13-1241); Kellogg Brown & Root Servs., Inc. v. Harris, 573 U.S. 915 (2014) (No. 13-817). The United States has filed a brief as amicus curiae supporting respondents in this case.

The United States previously presented oral argument as amicus curiae in a case concerning preemption of state-law tort claims challenging a military contractor's performance under a federal contract. See Boyle v. United Techs. Corp., 487 U.S. 500 (1988). The United States' participation in oral argument in this case accordingly may be of material assistance to the Court.

Respectfully submitted.

D. JOHN SAUER
Solicitor General
Counsel of Record

SEPTEMBER 2025