

No. _____

In the Supreme Court of the United States

JOSEPH MILLER, EZRA WENGERD, JONAS SMUCKER, DYGERT ROAD SCHOOL,
PLEASANT VIEW SCHOOL, SHADY LANE SCHOOL,
Applicants,

v.

JAMES V. McDONALD,
Respondent.

**APPLICATION FOR AN EXTENSION OF TIME TO FILE
A PETITION FOR A WRIT OF CERTIORARI**

To the Honorable Sonia Sotomayor
Associate Justice of the Supreme Court of the United States and
Circuit Justice for the Second Circuit

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To the Honorable Sonia Sotomayor, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Second Circuit:

1. Pursuant to Supreme Court Rule 13.5, Applicants Joseph Miller, Ezra Wengerd, Jonas Smucker, Dygert Road School, Pleasant View School, and Shady Lane School respectfully request a 60-day extension of time to and including Thursday, July 31, 2025, to file a petition for a writ of certiorari. That extension would not exceed the maximum 60-day extension authorized by Supreme Court Rule 13.5 and 28 U.S.C. § 2101(c). Counsel for Applicants have consulted counsel for Respondent, who consents to this extension.

2. The Second Circuit issued its opinion and judgment on March 3, 2025. The opinion is available at 130 F.4th 258 and is appended as Exhibit A. This Court's jurisdiction would be invoked under 28 U.S.C. § 1254.

3. Applicants' petition for writ of certiorari seeking review of the Second Circuit's decision is currently due on June 1, 2025. This application is being filed more than 10 days in advance of that date. No prior application has been made in this case.

4. This case presents important and complex questions under the First and Fourteenth Amendments to the U.S. Constitution that are eminently worthy of this Court's review. Applicants are three Amish individuals and three Amish schools challenging New York's denial of their free exercise rights. Applicants share "a fundamental belief that salvation requires life in a church community" that is "insulate[d] ... from the modern world" and its modern trappings. *Wisconsin v. Yoder*, 406 U.S. 205, 210 (1972). New York, however, categorically refuses to provide religious exemptions to its mandatory school vaccination law. It seeks in this case to force Amish

students in private Amish schools in private Amish communities to either violate their sincerely held religious beliefs or incur catastrophic penalties.

5. The First Amendment protects Applicants from that impossible choice. It gives them the right not to “perform[] ... physical acts,” *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 524 (2022) (citation omitted), that will “endanger their own salvation and that of their children,” *Yoder*, 406 U.S. at 209. And New York’s law does not fit within the exception in *Employment Division v. Smith* because it is not “neutral” and “generally applicable.” 494 U.S. 872, 880 (1990).

6. The undersigned counsel has recently returned to private practice after serving in a governmental role. A 60-day extension would give the undersigned sufficient opportunity to analyze the complex constitutional issues presented by the Second Circuit’s opinion and prepare the petition for filing. The extension is also necessary given the heavy press of matters the undersigned is responsible for over the next two months, including in this Court, as well as preexisting holiday-related observances and family obligations.

7. Applicants respectfully request that an order be entered extending the time to file a petition for a writ of certiorari up to and including Thursday, July 31, 2025.

Dated: April 14, 2025

Respectfully submitted.

/s/ Kyle D. Hawkins

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