

In the Supreme Court of the United States

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Brenda Horsley, *et al.*,  
*Applicants,*

v.

Kaiser Foundation Hospitals; *et al.*,  
*Respondents.*

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To the Honorable Elena Kagan,  
Associate Justice of the United States and  
Circuit Justice for the Ninth Circuit

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**APPLICATION TO EXTEND THE TIME TO FILE  
A PETITION FOR A WRIT OF *CERTIORARI***

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*Horsley v. Kaiser*, 24-5812 (9th Cir. November 17, 2025) ..... 1a  
    (ruling of the court of appeals)  
*Horsley v. Kaiser*, 3:23-cv-5628 (USDC/NDCA, August 26, 2024) ..... 7a  
    (opinion of the district court)

**RULE 29.6 STATEMENT**

Applicants are natural persons.

APPLICATION TO EXTEND TIME  
TO FILE PETITION FOR WRIT OF CERTIORARI

To the Honorable Associate Justice Elena Kagan, as Circuit Justice for the United States Court of Appeals for the Ninth Circuit:

Pursuant to Supreme Court Rule 13(5), Brenda Horsley, Cynthia Anderson, Maria Samantha De La Cruz, Jeff Folkes, Michael Jang, Vincent Lachinebre, Janet Manning, Michelle Massa, Joshua Pacheco, Justin Rawson, Daniel Ruvalcaba, Kristi Shepherd, Patricia Underhill, and Courtney Wolfenstein, (“Applicants”) respectfully apply for an extension of 90 days from February 13, 2026 — to and including May 14, 2026 — to file a Petition for Writ of *certiorari*. The current deadline for filing the Petition is February 13, 2026. This application is more than ten days before the deadline.

In support of this request, Applicants state:

1. On November 17, 2025 (App:1a), the Ninth Circuit affirmed a 12(b)(6) dismissal of Petitioners’ claims. The Ninth Circuit ruled that Defendants may require Petitioners to receive an investigational drug as a condition of employment.

2. Undersigned counsel’s obligations prevent his ability to complete the Petition timely, including filing a Petition for Writ of Certiorari in this Court on February 18, 2026, in *Sweeney v. UCHA* (25A751), on March 5, 2026, in *Curtis v. Inslee* (25A703), and on March 10, 2026 in *Roberts v. Inslee* (Ninth Circuit Case No. 24-1949), in addition to an opening brief to the Ninth Circuit (*McMahon v. City of Los Angeles*, 25-6872) on March 10, 2026, and further in addition to daily case work.

3. Because undersigned counsel is a solo-practitioner, additional counsel is being sought to assist in the writing of the petition and argument before this Court, which will ensure that Petitioners are properly represented.

4. The 90-day extension would not prejudice the respondents.

### **CONCLUSION**

Applicants request a 90-day extension—to and including May 14, 2026—to file a Petition for Writ of *Certiorari*.

Dated: January 26, 2026

Respectfully submitted,

*s/ David J. Schexnaydre*  
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### **CERTIFICATE AS TO FORM**

Pursuant to Sup. Ct. Rules 22 and 33, I certify that the foregoing application is proportionately spaced, has a typeface of Century Schoolbook, 12 point, and contains 2 pages (and 295 words) respectively, excluding this Certificate as to Form, the Table of Contents, and the Certificate of Service.

### **CERTIFICATE OF SERVICE**

The undersigned certifies that, on the 26<sup>th</sup> day of January, 2026, in addition to filing the foregoing document—together with its appendix—via the Court’s electronic filing system, one true and correct copy of the foregoing document and appendix was served by Regular Mail, with a PDF courtesy copy served via electronic mail on the following counsel:

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The undersigned further certifies that, on this 26<sup>th</sup> day of January, 2026, an original and two true and correct copies of the foregoing document and its appendix were sent electronically with paper copies following by Priority Mail delivery to the Court.

Executed January 26, 2026

s/ David J. Schexnaydre  
David J. Schexnaydre