

App No. _____

IN THE SUPREME COURT OF THE UNITED STATES

CHRISTINA CASAREZ,

Petitioner,

v.

IRIGOYEN FARMS, INC.; WALMART, INC.,

Respondents.

APPLICATION FOR AN EXTENSION OF TIME IN WHICH TO FILE A
PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF APPEAL OF THE
STATE OF CALIFORNIA, FIFTH APPELLATE DISTRICT

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

Pursuant to Supreme Court Rule 13.5, Petitioner Christina Casarez respectfully requests an extension of time of 60 days, to and including June 15, 2026, within which to file a petition for a writ of certiorari to review the Opinion of the Court of Appeal of the State of California, Fifth Appellate District, in this case.

Jurisdiction.

The Court of Appeal of the State of California, Fifth Appellate District, issued its Opinion affirming the judgment of the Superior Court of Fresno County on September 10, 2025. See Exhibit D, at 1. The opinion was subsequently certified for publication on September 30, 2025. See Exhibit C, at 1. A petition for rehearing was denied on October 17, 2025. See Exhibit B, at 1. A petition for review was filed with the Supreme Court of California on November 10, 2025, and was denied on January 14, 2026. See Exhibit A, at 1. This Court's jurisdiction would be invoked under 28 U.S.C. § 1257(a).

Timeliness.

The deadline for Petitioner to file a petition for a writ of certiorari in this matter is April 14, 2026 (90 days from the January 14, 2026 denial of the petition for review by the Supreme Court of California). This application is being filed more than 10 days before that due date.

Prior Extensions.

No prior application for an extension of time has been made in this case.

Respondents' Position.

Counsel for Petitioner has contacted counsel for Respondents Irigoyen Farms, Inc. and Walmart, Inc. Respondent Walmart, Inc. opposes Petitioner's requested extension. Respondent Irigoyen Farms, Inc. has not taken a position on Petitioner's requested extension of time to file her Petition for Writ of Certiorari.

Grounds for Extension.

The reasons for the requested 60-day extension are twofold: (i) the pendency of a directly related case currently before this Court that will substantially inform the issues presented in this case; and (ii) the press of other business, including ongoing trials and immovable filing deadlines in other matters.

i. Pendency of Related Case Before this Court.

This case arises from a fatal truck crash and presents the question of whether the Federal Aviation Administration Authorization Act of 1994 (FAAAA) preempts state-law direct negligence claims against a shipper and a receiver. The California Court of Appeal held that such claims are preempted and that the FAAAA's "safety exception" does not apply because Petitioner did not allege a defect in the vehicle itself.

On October 3, 2025, this Court granted certiorari in *Montgomery v. Caribe Transport II, LLC*, No. 24-1238, a case arising from the Seventh Circuit that presents a nearly identical legal question regarding the scope of the FAAAA's preemption and the application of the safety exception to state-law negligence claims. The *Montgomery* case was argued on March 4, 2026, and a decision is expected this Term.

Petitioner's potential petition for certiorari will directly address the same circuit split concerning the FAAAA's preemptive effect. A decision from this Court in *Montgomery* will provide crucial guidance on the legal standards that govern this case. Granting an extension will allow Petitioner to seek review based on the final, authoritative interpretation of the federal statute from this Court, thereby promoting judicial economy and ensuring that the petition presents the most accurate and current legal arguments.

ii. Press of Other Business.

In addition to the pendency of *Montgomery*, an extension is necessary due to the press of other business. Counsel for Petitioner is presently engaged in ongoing trial preparations and has multiple immovable filing deadlines in other state and federal matters that coincide with the current certiorari deadline of April 14, 2026. These competing obligations have made it impracticable to complete the preparation and filing of the petition for writ of certiorari within the remaining time.

Conclusion.

For the foregoing reasons, Petitioner respectfully requests that the time to file a petition for a writ of certiorari be extended to and including June 15, 2026.

Dated: March 31, 2026

Respectfully submitted,



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