

App No. _____

IN THE
Supreme Court of the United States

MIRANDA STOVALL,

Applicant,

v.

JEFFERSON COUNTY BOARD OF EDUCATION, dba
Jefferson County Public Schools; BRIAN YEARWOOD,
in his official capacity as Superintendent of Jefferson
County Public Schools; AMANDA HERZOG, in her
official capacity as Assistant General Counsel to
Jefferson County Public Schools; NCS PEARSON, INC.,
a Minnesota corporation, dba Pearson VUE,

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
Sixth Circuit**

James V. F. Dickey
Counsel of Record
Benjamin I. B. Isgur
SOUTHEASTERN LEGAL FOUNDATION
560 W. Crossville Rd., Ste. 104
Roswell, GA 30075
(770) 977-2131
jdickey@southeasternlegal.org
bisgur@southeasternlegal.org

Counsel for Applicant

April 1, 2026

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

In accordance with this Court's Rules 13.5, 22, 30.2, and 30.3, Applicant Miranda Stovall respectfully requests that the time to file her petition for a writ of certiorari be extended for 30 days, up to and including May 14, 2026. The Court of Appeals issued its opinion and judgment on January 14, 2026 (Exhibit A). Absent an extension of time, the petition would be due on April 14, 2026. The jurisdiction of this Court is based on 28 U.S.C. § 1254(1).

Background

This case presents the important question of whether federal courts or state courts may decide whether it is a fair use, under the Copyright Act, to request and obtain a copyrighted document under state open-records law. Put differently, does Congress's grant of exclusive federal jurisdiction over the Copyright Act, *see* 28 U.S.C. § 1338, prohibit a state court from deciding whether a copying pursuant to a state open records request is a "fair use," *see* 17 U.S.C. § 107, or prohibited copyright infringement?

This question has divided the Court of Appeals for the Sixth Circuit and the Connecticut Supreme Court. The Sixth Circuit held that a state court does have jurisdiction to resolve that question. *Stovall v. Jefferson Cnty. Bd. of Educ.*, 164 F.4th 554, 561 (6th Cir. 2025). The Connecticut Supreme Court held it lacked jurisdiction to resolve the same question. *Pictometry Int'l Corp. v. Freedom of Info. Comm'n*, 59 A.3d 172, 192 (Conn. 2013). Beyond the split

between the Sixth Circuit and a state court of last resort, many lower state and federal courts have wrestled with this question, with no consistent answer.

The Plaintiff-Appellant and Applicant here, Miranda Stovall, is a Kentucky parent who requested, under the Kentucky Open Records Act, a copy of a survey that Jefferson County Public Schools (JCPS) administered to her son. JCPS refused. It cited an exemption from the Kentucky Open Records Act for disclosures “prohibited by federal law,” and claimed that the survey was the “copyrighted intellectual property of Pearson,” referring to Defendant-Appellee NCS Pearson, Inc. In other words, JCPS invoked Pearson’s copyright as the sole basis for refusing to provide a copy of the survey to Mrs. Stovall in response to her open records request.

Mrs. Stovall claimed then, and continues to argue now, that giving her a copy of the survey is a “fair use,” and thus not prohibited by the Copyright Act. But the threat of copyright infringement led Mrs. Stovall to seek a declaration from the Western District of Kentucky that the requested copying would not violate the Copyright Act. The district court held it lacked jurisdiction, as did the Sixth Circuit, with the Sixth Circuit holding that this question could be answered in state court.

Reasons For Granting an Extension of Time

There is good cause for an extension of time to prepare the petition. Counsel would greatly benefit from additional time to prepare the petition due to the press of business on numerous other matters and a need for further

exhaustive research on the split of authority amongst the lower courts. Substantial commitments of counsel during the relevant time period include, among others:

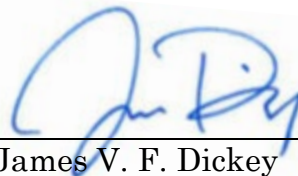
- A motion for summary judgment in the United States District Court for the Northern District of Texas in *Strickland v. USDA*, No. 24-cv-60, filed on January 16, 2026.
- An opposition brief to a motion for summary judgment in the United States District Court for the Northern District of Texas in *Strickland v. USDA*, No. 24-cv-60, filed on February 3, 2026.
- A motion for class certification in the United States District Court for the Northern District of Texas in *Texas Farm Bureau v. USDA*, No. 25-cv-181, filed on February 27, 2026.
- A brief opposing a motion to dismiss and in reply in support of a motion for a preliminary injunction in the United States District Court for the Northern District of New York in *Wachter v. James*, No. 25-cv-1718, filed on March 27, 2026.
- An opposition brief in the United States District Court for the Northern District of Texas in *Texas International Produce Association v. Occupational Safety and Health Administration*, No. 25-cv-261, is due on April 20, 2026.

Conclusion

Applicant requests that the time to file a petition for a writ of certiorari in the above-captioned matter be extended 30 days, to and including May 14, 2026.

Dated this 1st day of April, 2026.

Respectfully submitted,



James V. F. Dickey

Counsel of Record

Benjamin I. B. Isgur

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