

No. _____

**IN THE SUPREME COURT
OF THE UNITED STATES OF AMERICA**

BRADLEY J. CHILELLI, Petitioner

v.

SIGNIFY NORTH AMERICA CORPORATION, Respondent

**On Application for Extension of Time to File a Petition for Writ of Certiorari
to the United States Court of Appeals for the Tenth Circuit**

**APPLICATION TO JUSTICE GORSUCH FOR AN EXTENSION OF TIME
TO FILE A PETITION FOR A WRIT OF CERIORARI**

To the Honorable Neil M. Gorsuch, as Circuit Justice for the United States Court of Appeals for the Tenth Circuit:

Pursuant to this Court’s Rules 13.5, 22, 30.2, and 30.3, Petitioner Bradley J. Chilelli (“Mr. Chilelli”) respectfully requests a 60-day extension of time, up to and including July 25, 2026, to file his Petition for a Writ of Certiorari.

The United States Court of Appeals for the Tenth Circuit issued its order and judgment on February 25, 2026, affirming the United States District Court for the District of Kansas’s grant of summary judgment in favor of Respondent Signify North America Corporation (“Signify”). No petition for rehearing was filed. Absent an extension, the Petition for a Writ of Certiorari is due on Tuesday, May 26, 2026. Pursuant to Supreme Court Rule 30, this Application is timely filed on May 18, 2026, as the applicable filing period extended through the next business day due to the

intervening weekend. *See* S. Ct. R. 30. Petitioner did just authorize and retain counsel to pursue Supreme Court review the weekend immediately preceding this filing. Counsel's prior engagement, entered in February 2026, was limited to reviewing Petitioner's case and did not extend to preparing or filing a petition for a writ of certiorari. Counsel has acted promptly upon receiving authorization to proceed.

The jurisdiction of this Court would be invoked under 28 U.S.C. § 1254(1). The Tenth Circuit's order and judgment is attached as Appendix A.

Petitioner's counsel contacted counsel for Respondent on May 18, 2026, to request Respondent's position on this application. As of the time of filing, Respondent has not yet provided its position.

BACKGROUND

This case arises from a catastrophic workplace injury suffered by Petitioner Bradley J. Chilelli while performing demolition work at a manufacturing facility in Salina, Kansas. Respondent Signify North America Corporation operated the facility, which included a gas oxy furnace, approximately 60 feet tall, used to manufacture fluorescent tubing. Following the sale of the facility, Signify contracted with Hosea Project Movers in 2020 to demolish and remove the furnaces. Mr. Chilelli was employed by Hosea.

When the gas oxy furnace was in operation, liquid glass poured through funnels that sat on top of and covered holes on a catwalk. The demolition work required removal of the funnels, exposing the holes. On June 29, 2021, while working on the demolition of the gas oxy furnace, Mr. Chilelli fell through an exposed hole on the second-level catwalk, suffering severe injuries, including paralysis.

Mr. Chilelli sued Signify in the United States District Court for the District of Kansas, alleging common-law negligence. Signify moved for summary judgment. The district court granted summary judgment, concluding, among other things, that Signify owed no duty of care to Mr. Chilelli because it did not know about the exposed hole.

The Tenth Circuit affirmed. Applying Kansas law, the court held that a plaintiff seeking to impose premises liability generally must show that the landowner had actual or constructive knowledge of the dangerous condition. The court concluded that Mr. Chilelli had not presented evidence that any Signify employee knew of the exposed hole before the accident.

The Tenth Circuit also relied on the Kansas rule that a premises owner generally owes no duty to protect an independent contractor from risks arising from or intimately connected with defects the contractor was hired to repair. The court concluded that the exposed hole was intimately connected with Hosea's demolition work.

Finally, the Tenth Circuit rejected Petitioner's argument that Signify's safety policies or retained authority over contractor safety created a tort duty. The court reasoned that, even if Signify's internal safety requirements applied to the Salina facility, Kansas law would not impose a duty absent reliance on Signify's implementation of those policies.

At the certiorari stage, Petitioner anticipates presenting questions including:

1. Whether a premises owner that retains authority over contractor safety, maintains site safety policies, and exercises control over contractor operations

may avoid any duty of care to an injured contractor's employee where a catastrophic hazard existed on the owner's premises during demolition work.

2. Whether the lower courts' application of the independent-contractor exception to premises liability improperly forecloses recovery for severe injuries arising from hazards on an owner-controlled industrial site, in tension with the approach taken by other jurisdictions applying Restatement (Second) of Torts § 414 and related doctrines.
3. Whether, under Restatement (Second) of Torts § 324A, a premises owner's voluntary undertaking of contractor safety obligations gives rise to a tort duty without a separate showing of reliance by the contractor or its employees.

REASONS FOR GRANTING AN EXTENSION OF TIME

Good cause exists for the requested 60-day extension. This case involves severe and permanent injuries, including paralysis, and raises substantial questions concerning premises liability, retained control, contractor safety obligations under Restatement (Second) of Torts §§ 414 and 324A, and the propriety of summary judgment on the existence of a tort duty.

Additional time is necessary to allow counsel to review the pleadings, the Tenth Circuit's order and judgment, the district court's summary-judgment ruling, the parties' appellate briefs, the summary-judgment record, deposition testimony, contract documents, safety materials, and other record evidence necessary to evaluate and present the questions for certiorari. Additional time is also necessary to identify and address potential circuit splits and to ensure that the petition appropriately frames the issues for this Court's consideration.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the deadline to file a petition for a writ of certiorari be extended 60 days from the original due date of May 26, 2026, up to and including July 25, 2026.

Dated this the 18th day of May, 2026.

Respectfully Submitted,

s/ Ronald W. Chapman II

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