

**In the Supreme Court of the United States**

Beth Boyd, Janet Noland, Michelle Peck and Carly Robson,  
*Applicants,*

v.

Shriners Hospitals for Children, Shriners Hospitals for Children – Erie, Beverly  
Bokovitz, Frances Farley, Jerry Gantt, John McCabe, Phillip Grady, and Mary  
Antoon  
*Respondents.*

To the Honorable Samuel A. Alito, Jr.,  
Associate Justice of the United States and  
Circuit Justice for the Third Circuit

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

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**RULE 29.6 STATEMENT**

Applicants are natural persons.

APPLICATION TO EXTEND TIME  
TO FILE PETITION FOR WRIT OF CERTIORARI

To the Honorable Associate Samuel Alito Jr., as Circuit Justice for the United States Court of Appeals for the Third Circuit:

Pursuant to Supreme Court Rule 13(5), Beth Boyd, Janet Noland, Michelle Peck and Carly Robson, (“Applicants”) respectfully apply for an extension of 60 days from July 13, 2026 — to and including Friday, September 11, 2026 — to file a Petition for Writ of *certiorari*. The current deadline for filing the Petition is July 13, 2026. This application is more than ten days before the deadline.

In support of this request, Applicants state:

1. On April 14, 2026 (App 1a), the Third Circuit affirmed the dismissal of Petitioners’ claims under Federal Rule of Civil Procedure 12(b)(6). The panel based its decision on a factual determination that the available investigational Pfizer-BioNTech COVID-19 Vaccine was the “functional equivalent” of the unavailable FDA-approved drug named Comirnaty®, a fact disputed by Petitioners. Thus, while the case should have been decided based on the laws governing investigational drugs, the Third Circuit applied only the laws governing licensed drugs.

2. Undersigned counsel has limited experience presenting to this Court the questions implicated by the panel’s decision, including judicial procedural abuse, departure from the principle of party presentation, and infringement of the separation of powers — and how those defects bear on the validity of provisions of the Federal Food, Drug, and Cosmetic Act, the Public Health Service Act, and their implementing regulations as applied here.

3. Undersigned counsel has also been operating under concurrent time constraints arising from two related matters before this Court: *Sara Boysen, et al. v. PeaceHealth, et al.*, No. 25-1280, in which the Court recently issued a call for response, and *Jane Elizabeth Roberts, et al. v. Bob Ferguson, Governor of Washington, et al.*, No. 25-1327, currently pending.

4. Because Petitioners intend to seek this Court's review of the Third Circuit's decision, and because undersigned counsel is a solo practitioner with limited experience in the matters described above, Petitioners are in the process of retaining new lead counsel to prepare and present the petition, with undersigned counsel continuing as co-counsel.

5. The 60-day extension would not prejudice the respondents.

### **CONCLUSION**

Applicants request a 60-day extension—to and including September 11, 2026—to file a Petition for a Writ of *Certiorari*.

Dated: June 27, 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 387 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 27<sup>th</sup> day of June, 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:

William S. Myers, Esq.  
Eckert Seamans Cherin & Mellott, LLC  
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Pittsburgh, PA 15219

The undersigned further certifies that, on this 27<sup>th</sup> day of June, 2026, an original and two true and correct copies of the foregoing document and its appendix were sent by Priority Mail delivery to the Court.

Executed June 27, 2026

          s/ David J. Schexnaydre  
David J. Schexnaydre