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In the Supreme Court of the United States

JIM KENNEDY,
Petitioner,

v.

PEI GENESIS,
Respondent.

**APPLICATION TO JUSTICE ALITO FOR AN EXTENSION OF
TIME IN WHICH TO FILE A PETITION FOR A WRIT OF
CERTIORARI TO THE U.S. COURT OF APPEALS
FOR THE THIRD CIRCUIT**

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

Under 28 U.S.C. § 2101(c) and Rules 13.5, 22, and 30 of this Court, petitioner
Jim Kennedy respectfully request a 45-day extension of time, up to and including
August 28, 2025, in which to file a petition for a writ of certiorari in this Court. The
Third Circuit entered final judgment on February 25, 2025 and denied Petitioner's
request for a rehearing *en banc* on April 15, 2025. Without an extension, Petitioners'
time to file a petition for certiorari in this Court expires on July 14, 2025. This
application is being filed more than 10 days before that date. A copy of the Third
Circuit's unpublished opinion in this case is attached at App.4. A copy of the denial

for a rehearing *en banc* is attached at App.2. This Court has jurisdiction under 28 U.S.C. § 1254(1). The District Court Memorandum opinion is attached at App.6.

This case presents two important questions: 1) the definition and scope of religious belief under Title VII when religious belief and secular beliefs are intertwined and 2) the role of the judiciary in determining whether a belief is religious when deciding a dispositive motion. This is a timely and recurring legal question that is the subject of a clearly defined circuit split with the majority of circuits adopting an expansive definition of religion, in which religious beliefs can co-exist alongside secular beliefs, and a limited inquiry by the judiciary concerning the religiosity of belief. This is in contrast with the Third Circuit’s narrower definition of religious belief and searching judicial scrutiny.

Since the Third Circuit denied rehearing, additional circuits have weighed in on this topic, deepening the circuit split. Two circuits have issued decisions within the last sixteen days on the scope of protected religious beliefs under Title VII. On July 2, 2025, the Second Circuit issued a decision in *Alfred v. Federal Reserve of New York*, No. 23-7544, which reversed summary judgment in favor of an employer because a jury “could infer that [plaintiff] has *both* secular *and* religious objections to the Covid-19 vaccines” and that “the job of choosing between those inferences is for the jury, not the district court on summary judgment.” *Id.* at 28-29 (emphasis in original). On June 17, 2025, the Ninth Circuit issued a decision in *Damiano v. Grants Pass Sch. Dist.* No. 7, 23-35288, which held that a district court interpreted the

definition of religious belief under Title VII too narrowly in dismissing a claim because the plaintiff did not cite any Bible passages or scripture. *Id.* at 26.

Counsel respectfully requests a 45 day extension of time to file the petition to ensure that it includes and sufficiently incorporates the recent circuit court decisions on this important topic.

For these reasons, and due to obligations of counsel in other cases, including three depositions in the first two weeks of July, counsel respectfully requests that an order be entered extending the time to petition for certiorari up to and including August 28, 2025.

Respectfully submitted,

/s/ Dana Wefer

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July 3, 2025