

NO. _____

SUPREME COURT OF THE UNITED STATES

Teresa Maria Harmon

Petitioner,

v.

Louis I. Waterman and Goldberg Simpson, PLLC

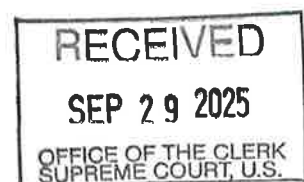
Respondents.

APPLICATION FOR EXTENSION OF TIME TO FILE

A PETITION FOR A WRIT OF CERTIORARI

TERESA M. HARMON

Petitioner, *pro se*



To the Honorable Brett M. Kavanaugh, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Sixth Circuit:

Petitioner Teresa Maria Harmon, *pro se*, prays for a 60-day extension of time, Pursuant to Rule 13.5 of the Rules of this Court, to and including December 13, 2025, in which to file a petition for a writ of certiorari. In support of this request, Petitioner states as follows:

1. On June 6, 2025, the United States Court of Appeals for the Sixth Circuit affirmed the judgment dismissing Petitioner's case under the Americans with Disabilities Act. Petitioner timely filed a petition for rehearing *en banc*, which was denied on July 16, 2025. The mandate issued on July 24, 2025.
2. Petitioner has ninety days from July 16, 2025, to file a petition for a writ of certiorari. *See* Sup. Ct. R. 13.3. The petition is, therefore, due on October 14, 2025. This application is being filed at least ten days before that date.
3. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).
4. This case raises important questions regarding the scope of Titles II, III, and V of the Americans with Disabilities Act, including whether opposing counsel may avoid liability for discrimination, interference, or retaliation under the guise of "zealous advocacy" when Congress made no such exception.
5. An extension is warranted to allow sufficient time to research circuit conflicts (including *Post v. Trinity Health-Michigan*, 44 F.4th 572 (6th Cir. 2022); *Binno v. Am. Bar Ass'n*, 826 F.3d 338 (6th Cir. 2016); and *PGA Tour, Inc. v. Martin*,

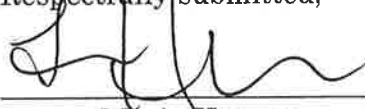
532 U.S. 661 (2001)), to prepare the petition carefully, and to consult with potential *amici*.

6. Petitioner believes an extension of time will be needed to adequately prepare Petitioner's petition for writ of certiorari. Petitioner is proceeding *pro se* and requires additional time due to limited resources, disability, and ongoing health concerns. This is Petitioner's first request for an extension.

* * *

WHEREFORE, Petitioner respectfully requests that an order be entered extending her time in which to petition for certiorari by sixty days, to and including December 13, 2025.

Respectfully submitted,



Teresa Maria Harmon
Petitioner, *pro se*
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Dated: September 16, 2025

NOT RECOMMENDED FOR PUBLICATION

No. 24-5773

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED

Jun 6, 2025

KELLY L. STEPHENS, Clerk

TERESA M. HARMON,

Plaintiff-Appellant,

v.

LOUIS I. WATERMAN; GOLDBERG SIMPSON,
LLC,

Defendants-Appellees.

ON APPEAL FROM THE UNITED
STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF
KENTUCKY

ORDER

Before: GIBBONS, BUSH, and DAVIS, Circuit Judges.

Teresa M. Harmon, proceeding pro se, appeals the district court's judgment dismissing her complaint of discrimination under the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101, et seq. She also requests oral argument. This case has been referred to a panel of the court that, upon examination, unanimously agrees that oral argument is not needed. *See* Fed. R. App. P. 34(a). Because Harmon failed to state a claim under the ADA, we affirm.

Harmon sued an attorney, Louis I. Waterman, and a law firm, Goldberg Simpson, LLC, who represent her ex-husband in their divorce and child-custody proceedings. She claimed that the defendants violated the ADA by opposing her attempts to obtain disability accommodations from a state court. Because we review this case on a motion to dismiss, we recount the facts as they are alleged in the complaint and view them in the light most favorable to the plaintiff. *Christopher v. Harbury*, 536 U.S. 403, 406 (2002).

Harmon alleged that the defendants began representing her ex-husband in 2010 and long argued that she suffered from an undiagnosed psychiatric disorder as a way to gain an advantage

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in those proceedings. In 2021, Waterman, on his client's behalf, successfully moved for a no-contact order in relation to the minor child shared by Harmon and her ex-husband. In July 2022, in the midst of the ongoing dispute over whether she would be permitted access to the child, the Department of Veterans Affairs (VA) deemed her permanently and totally disabled. In August 2022, after Harmon attempted to contact her child in violation of the court order, Waterman moved for contempt. In her response to that motion, Harmon disclosed for the first time that she suffers from a disability. Litigation continued acrimoniously, and in February 2023, Harmon moved to stay the proceedings so that she could seek representation from an organization that provides advocacy services for people with disabilities. At the hearing on this motion, Waterman argued against the stay and made purportedly false statements about Harmon's disability. He also obtained a restraining order that effectively prevented Harmon from availing herself of resources to assist with the litigation.

Around this same time, Waterman filed a separate action on his client's behalf to terminate Harmon's parental rights. In April and May 2023, Harmon moved for various disability accommodations in the court proceedings and for the appointment of counsel. The state court granted some, but not all, of her requests. Waterman, again on behalf of his client, opposed Harmon's request for appointed counsel and sought attorney fees for having to respond. Waterman argued that there was no legal or factual basis for appointing counsel, that Harmon had not proven that she was disabled, and that the motion was a waste of the court's time and resources. In response, Harmon moved for Waterman to be disqualified and sanctioned for his discriminatory and retaliatory statements about her disability. Waterman, in turn, accused Harmon of lying and asserted that she had presented no certified records or expert testimony verifying her claimed disability, that the letter she presented from the VA was heavily redacted and did not disclose the nature of her disability, that Harmon was attempting to weaponize her claimed disability to circumvent the proper standards for the child-custody dispute, and that the details of the claimed disability that Harmon was refusing to disclose were likely more relevant to the child-custody determination than to ADA accommodations. Waterman further argued that Harmon should have

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to pay the legal fees incurred for responding to her motions. It appears that Harmon sought to appeal as to these issues and initially obtained leave to proceed in forma pauperis on appeal in the termination action. But Waterman successfully moved to vacate her in forma pauperis status, after which Harmon filed her federal complaint.

The district court construed Harmon's complaint as claiming that (1) the defendants violated Title III of the ADA as an operator of a place of public accommodation by questioning the genuineness of her disability and opposing her requests for accommodations; (2) the defendants interfered with her ADA rights under Title II to access the courts and meaningfully participate in court proceedings; and (3) the defendants retaliated against her in violation of the ADA for seeking disability accommodations. The defendants moved to dismiss, and the district court granted the motion, concluding that Harmon's allegations were insufficient to support a plausible ADA claim under any of these theories.

On appeal, Harmon challenges the dismissal of her claims and asks us to hold that the ADA's protections extend to the context of active litigation and actions taken by opposing counsel in relation to a party with a disability.

We review de novo a district court's judgment granting a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *See Bickerstaff v. Lucarelli*, 830 F.3d 388, 395–96 (6th Cir. 2016). To avoid dismissal, "a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)).

Harmon first invokes Title III of the ADA, which prohibits discrimination based on a disability by a person who owns, leases, or operates a place of public accommodation. *See* 42 U.S.C. § 12182(a). A law office is a place of public accommodation. *See id.* § 12181(7)(F). The district court dismissed this claim, however, because it concluded that Harmon's allegations did not show that she was a client or customer of the law firm. *See id.* § 12182(b)(1)(A)(iv). Instead, she was in the position of an adversarial litigant to a client the law firm represented.

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Harmon opposes this conclusion by pointing to the Supreme Court's statement in *PGA Tour, Inc. v. Martin*, 532 U.S. 661, 679 (2001), that "Title III's broad general rule contains no express 'clients or customers' limitation." The Supreme Court noted in that opinion, however, that the petitioner there was arguing that § 12182(b)(1)(A)(iv)'s reference to clients or customers nonetheless fairly describes the scope of Title III's protection as a whole, and the Court concluded that it need not decide the question because the petitioner's argument failed regardless. *Id.* at 679–80. Even assuming that Harmon is correct that Title III is not expressly limited to "customers and clients," she must still allege that she has been denied physical access to a place of public accommodation or denied the ability to avail herself of the goods and services offered at a place of public accommodation to state a claim under Title III. *See Lenox v. Healthwise of Ky., Ltd.*, 149 F.3d 453, 456–57 (6th Cir. 1998) (citing *Parker v. Met. Life Ins.*, 121 F.3d 1006, 1010–12 (6th Cir. 1997) (en banc)). But she did not allege that she was denied physical access to the law firm's offices or that the defendants refused to provide her with the services they provide to the public, i.e., legal representation, because of her disability. And the defendants' provision of legal representation to her ex-husband, including by opposing her motions in the child-custody dispute, did not amount to disability discrimination in violation of Title III.

Turning to Harmon's interference claim under Title II of the ADA, the district court focused on her contention that the defendants interfered with her participation in the state court proceedings by moving to vacate the order granting her in forma pauperis status on appeal. But on appeal, she more broadly characterizes the interference to include the defendants' suggestion that her disabilities were fabricated, their opposition to her accommodation requests, and their pursuit of "retaliatory legal actions." The ADA makes it "unlawful to coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of . . . any right granted or protected under this chapter." 42 U.S.C. § 12203(b). This includes the provision of public services under Title II. *See id.* § 12132. But the proper defendant for a claim under Title II is a public entity or a public employee in an official capacity. *See, e.g., Everson v. Leis*, 556 F.3d 484, 501 n.7 (6th Cir. 2009). Harmon did not sue a government entity, however, such as the state court. Instead,

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she sued her ex-husband's private attorney and his law firm. She therefore cannot maintain an interference claim under Title II. *Cf. Post v. Trinity Health-Mich.*, 44 F.4th 572, 576 (6th Cir. 2022) (holding that an employment-related interference claim under the ADA needs to be directed at the employer). And notably, Harmon did not plausibly allege that the defendants possessed authority to decide whether she would be granted the accommodations she requested. Rather, that authority rested with the state courts. We see no reason to conclude that an attorney's opposition to such motions on behalf of his client amounts to interference forbidden by the ADA. Moreover, to the extent that Harmon focuses on the defendants' opposition to her proceeding in forma pauperis, she does not demonstrate that proceeding in forma pauperis is a right protected by the ADA.

Lastly, Harmon asserted retaliation in violation of 42 U.S.C. § 12203(a), claiming that the defendants sought the termination of her parental rights, attorneys fees, and other court sanctions in retaliation for her having sought disability accommodations in state court. The ADA forbids "discriminat[ion] against any individual because such individual has opposed any act or practice made unlawful by this chapter or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter." *Id.* If this claim is based on Title II, then it suffers from the same problem as Harmon's interference claim, i.e., that she sued private parties rather than a public entity. If it is based on the public-accommodations provisions of Title III, then it fails because she did not avail herself of the defendants' services. But assuming that she can pursue an ADA retaliation claim against these defendants merely because they represented her adversary in state court litigation, Harmon must allege facts plausibly establishing that she engaged in a protected activity that the defendants were aware of, the defendants took an adverse action against her, and there was a causal connection between the protected activity and the adverse action. *See Popeck v. Rawlings, Co., LLC*, 791 F. App'x 535, 540–41 (6th Cir. 2019); *Penny v. United Parcel Serv.*, 128 F.3d 408, 417 (6th Cir. 1997).

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Harmon's allegations do not plausibly establish a causal connection between her purported protected conduct of seeking disability accommodations and the defendants' purported adverse actions of opposing her requests in court. Instead, the allegations suggest that the defendants' litigation activities were motivated by their desire to vindicate the rights of their client, such as by seeking contempt for Harmon's violation of the court order preventing her from contacting her child and to terminate her parental rights. Representing these interests in adversarial court proceedings does not rise to the level of ADA retaliation simply because Harmon claims to have a disability.

Accordingly, we **AFFIRM** the district court's judgment.

ENTERED BY ORDER OF THE COURT


Kelly L. Stephens, Clerk

United States Court of Appeals for the Sixth Circuit

U.S. Mail Notice of Docket Activity

The following transaction was filed on 06/06/2025.

Case Name: Teresa Harmon v. Louis Waterman, et al
Case Number: 24-5773

Docket Text:

ORDER filed: We AFFIRM the district court's judgment. Mandate to issue, decision not for publication, pursuant to FRAP 34(a)(2)(C). Julia Smith Gibbons, Circuit Judge; John K. Bush, Circuit Judge and Stephanie Dawkins Davis, Circuit Judge.

The following document(s) are associated with this transaction:

Document Description: Order

Notice will be sent to:

Ms. Teresa M. Harmon
P.O. Box 2345
#784
Indianapolis, IN 46206-2345

A copy of this notice will be issued to:

Ms. Cynthia L. Effinger
Mr. Mark S. Fenzel
Ms. Katy Elizabeth Harvey
Mr. James J. Vilt Jr.

No. 24-5773

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED

Jul 16, 2025

KELLY L. STEPHENS, Clerk

TERESA M. HARMON,

Plaintiff-Appellant,

v.

LOUIS I. WATERMAN; GOLDBERG SIMPSON,
LLC,

Defendants-Appellees.

ORDER

BEFORE: GIBBONS, BUSH, and DAVIS, Circuit Judges.

The court received a petition for rehearing en banc. The original panel has reviewed the petition for rehearing and concludes that the issues raised in the petition were fully considered upon the original submission and decision of the case. The petition then was circulated to the full court. No judge has requested a vote on the suggestion for rehearing en banc.

Therefore, the petition is denied.

ENTERED BY ORDER OF THE COURT

Kelly L. Stephens
Kelly L. Stephens, Clerk

Kelly L. Stephens, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Kelly L. Stephens
Clerk

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Filed: July 16, 2025

Ms. Teresa M. Harmon
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Indianapolis, IN 46206-2345

Re: Case No. 24-5773, *Teresa Harmon v. Louis Waterman, et al*
Originating Case No.: 3:23-cv-00395

Dear Mr. Harmon,

The Court issued the enclosed Order today in this case.

Sincerely yours,

s/Beverly L. Harris
En Banc Coordinator
Direct Dial No. 513-564-7077

cc: Ms. Cynthia L. Effinger
Mr. Mark S. Fenzel
Ms. Katy Elizabeth Harvey

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of September 2025, I served a copy of the foregoing Application for Extension of Time to File a Petition for a Writ of Certiorari by first-class mail, postage prepaid, upon the following counsel of record for Respondents:

Mark S. Fenzel
Cynthia Effinger
McBrayer PLLC
500 West Jefferson Street, Suite 2400
Louisville, Kentucky 40202
Attorneys for Respondents



Teresa Maria Harmon
Petitioner, *pro se*