

No.

IN THE
Supreme Court of the United States

CALVARY CHAPEL SAN JOSE, ET AL.,

Applicants,

v.

THE PEOPLE OF THE STATE OF CALIFORNIA, ET AL.,

Respondents.

*Application For an Extension of Time to File a Petition For
Writ of Certiorari*

*TO THE HONORABLE ELENA KAGAN, ASSOCIATE JUSTICE OF THE
SUPREME COURT OF THE UNITED STATES*

JAY ALAN SEKULOW
STUART J. ROTH
JORDAN A. SEKULOW
WALTER M. WEBER
CHRISTINA COMPAGNONE
ABIGAIL SOUTHERLAND
NATHAN J. MOELKER
AMERICAN CENTER FOR LAW &
JUSTICE
201 Maryland Ave. NE
Washington, DC 20002

ROBERT H. TYLER
Counsel of Record
ERIN E. MERSINO
JOEL OSTER
JULIANNE FLEISCHER
ADVOCATES FOR FAITH &
FREEDOM
25026 Las Brisas Road
Murrieta, CA 92562
(951) 326-4554
btyler@faith-freedom.com

Counsel for Applicants

**TO THE HONORABLE ELENA KAGAN, ASSOCIATE JUSTICE OF THE
SUPREME COURT OF THE UNITED STATES:**

Pursuant to Supreme Court Rule 13.5, Applicants Calvary Chapel San Jose and Mike McCure respectfully request a 60-day extension of time to and including Friday, December 12, 2025, to file a petition for a writ of certiorari. In support of this request, Counsel states as follows:

1. On July 16, 2025, the California State Supreme Court denied Petitioners' Petition for Review. (Exhibit A.)

2. Petitioners have ninety days from that date 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. § 1257.

4. Good cause supports the requested extension. Petitioners have retained additional counsel specifically to assist the undersigned counsel with the preparation and filing of the petition in this Court. Newly retained counsel requires adequate time to review the extensive state-court record, evaluate the legal issues, and confer with Petitioners and current counsel to ensure that the petition fully and accurately presents the questions for review.

5. In addition, undersigned counsel continues to face significant professional obligations that make it impracticable to complete the petition by the current deadline. Counsel must prepare for multiple trials—including a Cal/OSHA trial

involving substantially the same parties and an October trial with pretrial deadlines throughout September and October, jury selection on October 1–2, and trial soon thereafter. Counsel is also scheduled to travel internationally from October 12–19, 2025, to teach continuing legal education programs in Rome and Athens.

6. Given these obligations and newly added counsel, additional time is necessary to ensure that the petition is thoroughly researched, carefully drafted, and fully protective of Applicants' rights. This request is made in good faith and not for the purpose of delay.

7. The extension would not exceed the maximum 60-day extension authorized by Supreme Court Rule 13.5 and 28 U.S.C. § 2101(c).

8. Applicants have advised Respondents of this request. Respondents have indicated that they do not object, provided that Applicants agree to a reciprocal extension of Respondents' deadline to file their brief in opposition. Specifically, Respondents note that, assuming a December 12, 2025, deadline for the petition, a substantial portion of their response period would fall during the end-of-year holidays, when much of their team will be unavailable. Applicants are amenable to this reciprocal accommodation.

For these reasons, Applicants respectfully request that an order be entered extending the time in which to petition for a writ of certiorari by 60 days, to and including December 12, 2025. *See* Sup. Ct. R. 13.5.

Dated: September 25, 2025

Respectfully submitted,

ADVOCATES FOR FAITH & FREEDOM

/s/ Robert Tyler
Robert H. Tyler
Counsel of Record
Erin E. Mersino
Joel Oster
Julianne Fleischer
25026 Las Brisas Road
Murrieta, CA 92562
(951) 326-4554
btyler@faith-freedom.com

AMERICAN CENTER FOR LAW &
JUSTICE

Jay Alan Sekulow
Stuart J. Roth
Jordan A. Sekulow
Walter M. Weber
Christina Compagnone
Abigail Southerland
Nathan J. Moelker
201 Maryland Ave. NE
Washington, DC 20002

EXHIBIT “A”

SUPREME COURT
FILED

Court of Appeal, Sixth Appellate District - No. H051860

JUL 16 2025

S291092

Jorge Navarrete Clerk

IN THE SUPREME COURT OF CALIFORNIA Deputy

En Banc

THE PEOPLE et al., Plaintiffs and Respondents,

v.

CALVARY CHAPEL SAN JOSE et al., Defendants and Appellants.

The request for judicial notice is granted.
The petition for review is denied.

GUERRERO

Chief Justice

CERTIFICATE OF SERVICE

I am an employee in the County of Riverside. I am over the age of 18 years and not a party to the within entitled action; my business address is 25026 Las Brisas Road, Murrieta, California 92562.

On September 25, 2025, I served a copy of the following document(s) described as:

***APPLICATION FOR AN EXTENSION OF TIME TO FILE A PETITION FOR
WRIT OF CERTIORARI***

on the interested party(ies) in this action by-email or electronic service [C.C.P. § 1010.6; C.R.C 2.250-2.261]. The documents listed above were transmitted via e-mail to the e-mail addresses on the attached service list.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am an employee in the office of a member of the bar of this Court who directed this service.



Robert H. Tyler

SERVICE LIST

| | |
|--|-------------|
| Melissa R. Kiniyalocts, Esq. Robin Wall, Esq. Xavier Brandwajn, Esq. Jamila Benkato, Esq. County Counsel, County of Santa Clara 70 West Hedding St., East Wing, Ninth Fl. San Jose, CA 95110-1770 Melissa.kiniyalocts@cco.sccgov.org Robin.wall@cco.sccgov.org Xavier.brandwajnl@cco.sccgov.org Jamila.benkatol@cco.sccgov.org | Respondents |
| Jeffrey R. Rosen, Esq., District Attorney David Angel, Esq., Assistant Attorney 70 West Hedding Street, West Wing San Jose, CA 95110-1770 jrosen@dao.sccgov.org dangel@dao.sccgov.org | Respondents |