

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

No. ____

MORELAND PROPERTIES LLC,
Applicant,

v.

GOODYEAR TIRE & RUBBER CO. & GOODYEAR FARMS, INC.,
Respondents.

**APPLICATION TO THE HON. ELENA KAGEN FOR AN
EXTENSION OF TIME WITHIN WHICH TO FILE A
PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT**

Applicant Moreland Properties LLC hereby moves, pursuant to Rule 13(5) of the Rules of this Court, for a 30-day extension of time in which to file a petition for writ of certiorari to and including December 24, 2025. A panel of the United States Court of Appeals for the Ninth Circuit issued a revised decision in this case dated August 26, 2025 (Exhibit 1); the en banc Ninth Circuit denied a timely petition for rehearing the same day (Exhibit 2). This Court has jurisdiction under 28 U.S.C. § 1254(1).

1. The date within which a petition for writ of certiorari would be due, if not extended, is November 24, 2025.

2. Applicant recently resolved to seek this Court’s review, and counsel require additional time to prepare a petition for writ of certiorari. In the month between the filing of this motion and the current due date of the petition, Mr. Draye will present oral argument before this Court in *The GEO Group, Inc. v. Menocal*, No.

24-758 (scheduled for argument on November 10, 2025). He has two additional petitions for writ of certiorari coming due in the months thereafter. An additional 30 days will allow a more studied presentation of the issues in this case arising under the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”).

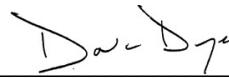
3. This case raises important legal issues around the role state regulators play in determining substantial compliance with the National Contingency Plan (“NCP”). States play a central role under CERCLA, often substituting for federal regulators. Thus, state-run cleanups presumptively comply with the NCP. 42 U.S.C. § 9607(a)(4)(a); 40 C.F.R. § 300.700(c)(1). And States may approve a private response action without the federal government’s authorization. 40 C.F.R. § 300.515(e)(2)(ii). Moreover, every private cleanup must comply with all state requirements. 40 C.F.R. § 300.400(g); 42 U.S.C. § 9621(d)(2). This statutory scheme has prompted the question whether a State’s approval of a private cleanup is sufficient to establish substantial compliance with the NCP. The circuits have divided on that issue. The sufficiency of state approval—and resulting ability to seek contribution from responsible parties—goes to the heart of CERCLA’s twin goals: (i) assuring prompt cleanup (ii) at the polluter’s expense. The forthcoming petition will ask the Court to resolve that issue.

4. An extension of time will not prejudice any party. Applicant Moreland Properties conducted a state-approved environmental response and sought to recover its costs from Respondent Goodyear under CERCLA § 107. The district court and Ninth Circuit denied Moreland’s request for cost recovery. As a result, there is no

outstanding money judgment or injunction that would prejudice either party as a result of the requested extension.

For the foregoing reasons, petitioner hereby requests that an extension of time to and including December 24, 2025 be granted within which petitioner may file a petition for a writ of certiorari.

Respectfully submitted,



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October 28, 2025

Counsel for Applicant

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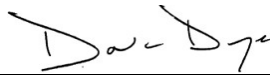
CERTIFICATE OF SERVICE

I, Dominic E. Draye, a member of the Supreme Court Bar, hereby certify that three copies of the attached Application to Associate Justice Elena Kagan for an Extension of Time to File a Petition for Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit were served on:

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Service was made by first-class mail on October 28, 2025.



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