

No. __-__

In the Supreme Court of the United States

RAJEH A. SAADEH,

Applicant,

v.

NEW JERSEY STATE BAR ASSOCIATION,

Respondent.

**Application for Extension of Time to File a Petition for Writ of Certiorari
to the Superior Court of New Jersey, Appellate Division**

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November 24, 2025

Attorneys for Applicant

To the Honorable Samuel A. Alito, Associate Justice and Circuit Justice for the Third Circuit:

Per 28 U.S.C. §2101(c) and this Court’s Rules 13.5, 22, and 30.3, Rajeh A. Saadeh respectfully requests that his time to file a petition for a writ of certiorari be extended 30 days to January 20, 2026. The state intermediate appellate court’s opinion was issued on December 20, 2024, and the state supreme court declined review on September 19, 2025. *See* Apps. A & B. Absent an extension of time, the petition for certiorari would be due on December 18, 2025. Applicant is filing this application at least ten days before that date. *See* Sup. Ct. R. 13.5. This Court has jurisdiction under 28 U.S.C. §1257(a).

Background

This case concerns whether racial and other status-based discrimination, when done in the name of “diversity and inclusion,” is shielded by the First Amendment.

Saadeh is a licensed attorney and active member of the New Jersey State Bar Association. App. A at 11. He has previously served the association in many roles, including on the board. *Ibid.* He stands ready and able to serve again, but the association reserves board seats for attorneys who identify as “Black/African American,” “Hispanic/Latino/a/x,” “Asian/Pacific American,” “LGBTQ+,” and “women.” *Id.* at 8-9. Though Saadeh is plenty “diverse”—a Palestinian and Muslim—he does not fit any of those categories, precluding him from filling those seats. *Id.* at 12.

Saadeh challenged the bar association’s set asides as illegal discrimination under New Jersey’s public-accommodation law. App. A at 12. He sought damages and forward-looking relief. *Id.* at 12-13.

After the trial court ruled that the bar association’s quotas were illegal, the state intermediate court reversed. It held that the association’s quotas were protected by the First Amendment, ruling that ending them would “infringe its ability to advocate the value of diversity and inclusivity.” *Id.* at 26 (citing *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000)). Applicant timely petitioned to the New Jersey Supreme Court for certification, which was denied on September 19, 2025. App. B.

Reasons for Granting an Extension of Time

The time to file a petition for a writ of certiorari should be extended by 30 days, to January 20, 2026, for three reasons.

1. Applicant has recently added new counsel for his proceedings before this Court—Consovoy McCarthy PLLC and the Antonin Scalia Law School Supreme Court Clinic. His new attorneys require additional time to familiarize themselves with the record in this case. Counsel of record, Cameron Norris, also has multiple competing obligations over the same timeframe.

2. Respondent will not be prejudiced by an extension. As the winner below, the status quo currently favors Respondent. And this is Applicant’s first request for an extension of time.

3. The forthcoming petition will present an important question of federal law that this Court should resolve. By holding that racial and other status-based quotas are shielded by the First Amendment as expressions of “diversity,” the decision conflicts with this Court’s precedents, which have long held that prohibitions on discrimination are “resistant to First Amendment challenges.” *AAER v. Fearless Fund Mgmt.*, 103 F.4th 765, 779 n.7 (11th Cir. 2024) (citing *Runyon v. McCrary*, 427 U.S.

160 (1976); *Hishon v. King & Spaulding*, 467 U.S. 69 (1984)). The decision below turns this Court’s narrow decision in *Dale* into a gaping exception to antidiscrimination laws when the status-based discrimination furthers so-called “diversity.” If upending the bar association’s quotas infringes upon its diversity expressions, then a myriad of other organizations could use the First Amendment to dodge antidiscrimination laws in the name of “diversity,” however those organizations define it. Many are pointing to the decision below as “a roadmap to organizations seeking to uphold” their otherwise illegal “diversity initiatives.” *Using the First Amendment to Uphold DEI Initiatives*, Clark Hill (Feb. 7, 2025), perma.cc/3NKW-XF7U.

Conclusion

For all these reasons, the time to file a petition for a writ of certiorari in this matter should be extended by 30 days, to January 20, 2026.

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