

IN THE SUPREME COURT OF THE UNITED STATES

MEDICAL STAFFING OF AMERICA, LLC d/b/a Steadfast Medical Staffing
and LISA ANN PITTS,

Applicants,

v.

LORI CHAVEZ-DEREMER, Secretary of Labor, United States Department of Labor,
Respondent.

SECOND APPLICATION FOR AN EXTENSION OF TIME
TO FILE A PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

To the Honorable John Roberts, Chief Justice of the United States and Circuit
Justice for the United States Court of Appeals for the Fourth Circuit:

Pursuant to Rule 13.5 of the Rules of this Court, Applicants Medical Staffing of
America, LLC (d/b/a Steadfast Medical Staffing) (“Steadfast”) and Lisa Ann Pitts
respectfully request a 30-day extension of time, until Friday, February 13, 2026, within
which to file a petition for a writ of certiorari. The United States Court of Appeals for the
Fourth Circuit denied rehearing and rehearing en banc on September 16, 2025. By order
dated December 11, 2025, the Chief Justice granted Applicants’ first request for a 30-day
extension. Unless further extended, the time for filing a petition for a writ of certiorari will

expire on January 14, 2026. This Court’s jurisdiction would be invoked under 28 U.S.C. § 1254.

1. As discussed in Applicants’ December 5, 2025 application for an extension of time, this case involves a worker-classification dispute arising under the Fair Labor Standards Act (FLSA), pertaining to hundreds of thousands of shifts worked by more than 1100 nurses beginning in 2015 through January 2022 at dozens of medical facilities spread across multiple states. Applicant Steadfast was founded in 2015 by Applicant Lisa Pitts, a single mother of four and Navy veteran who had worked for more than 20 years as a Licensed Practical Nurse. Steadfast provides a registry service through which approved nurses seek and receive shifts at the independently owned healthcare facilities that are Steadfast’s customers. The core dispute in this lawsuit initiated by the United States Department of Labor (DOL) is whether Steadfast properly classified these nursing workers as independent contractors, or whether the nurses who obtained shifts through the registry must instead be deemed “employees” of Steadfast under the FLSA. On appeal from a bench-trial decision finding in favor of DOL, a divided panel of the Fourth Circuit affirmed the district court’s decision, and held that Steadfast ought to have classified the nurses as employees. Op. at 30.

2. As discussed in the December 5 application, there are at least two reasons why this case warrants this Court’s review.

3. *First*, it would present this Court with the opportunity to address the proper test under the FLSA for distinguishing working arrangements that constitute statutory “employment” from those that are properly classified as independent contracting

relationships. This issue has not previously been addressed or resolved by this Court, and the multi-factor “economic realities” test that has evolved in the lower courts is (a) of questionable practical utility; (b) in tension with this Court’s existing jurisprudence limiting judicial creation of multi-factor tests as a substitute for direct interpretation of statutory language; and (c) lacks a clear anchor in the FLSA’s text, structure, or legislative history.

4. *Second*, even if this Court were to adopt the existing multi-factor economic realities test (or something similar) as an appropriate benchmark for resolving FLSA employee vs. independent contractor classification disputes, reviewing the decision below would offer this Court its first clear opportunity to determine and explain how any such test should be applied, and in particular, what “economic realities” it is ultimately meant to measure. As explained in the December 5 application, there is disarray in the lower courts with respect to these issues, leading to a growing consensus that worker classification disputes under the FLSA are little more than a coin toss, with market participants unable to glean usable guidance sufficient to reliably shape permissible working arrangements. This is a dangerous dynamic in an economic setting where flexible and creative approaches to embracing human labor may be of paramount importance in counter-balancing looming technological developments that threaten to constrain or eliminate roles through which millions of American workers now earn their living.

5. Applicants seek an additional extension of 30 days to allow for additional time for making a final determination as to whether a petition will be filed, and for further work involved in preparing such petition. Steadfast and Ms. Pitts’ lead counsel (Mr. Pafford) has been actively engaged on a variety of disputes and litigation matters in recent weeks,

including but not limited to matters arising from end-of-year contract expirations and potential renewals under certain state and federal public procurements. These matters, coupled with family responsibilities surrounding the year-end holidays, would make the existing certiorari deadline of January 14 difficult to meet. Steadfast also is in continued dialogue with the provider of a revolving credit facility under an existing factoring arrangement concerning a potential agreement to support the filing of a petition for certiorari, and that process has continued to shape the overall timeline in relation to preparation and potential filing of a petition for certiorari.

6. For these reasons, Applicants Steadfast Medical and Lisa Pitts respectfully request an extension of time to file a petition for a writ of certiorari, up to and including February 13, 2026.

Date: January 2, 2026

Respectfully submitted,



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