

# In the Supreme Court of the United States

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Sara Boysen, *et al.*,  
*Applicants,*

v.

PeaceHealth; *et al.*,  
*Respondents.*

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To the Honorable Elena Kagan,  
Associate Justice of the United States and  
Circuit Justice for the Ninth Circuit

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**APPLICATION TO EXTEND THE TIME TO FILE  
A PETITION FOR A WRIT OF *CERTIORARI***

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## APPENDIX

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## RULE 29.6 STATEMENT

Applicants are natural persons.

APPLICATION TO EXTEND TIME  
TO FILE PETITION FOR WRIT OF CERTIORARI

To the Honorable Associate Justice Elena Kagan, as Circuit Justice for the United States Court of Appeals for the Ninth Circuit:

Pursuant to Supreme Court Rule 13(5), Sara Boysen, Hannah Bernhardt, Alisha Carter, Katherine Derrick, Sarah Guimont, Kathy Murphy, Dale Kingston, Christina O’Harra, Christina Shaneyfelt, Deborah Shaneyfelt, Ann Doreen Waters, and Micaela West (“Applicants”) respectfully apply for an extension of 90 days from March 3, 2026 — to and including June 2, 2026 — to file a Petition for Writ of *certiorari*. The current deadline for filing the Petition is March 3, 2026. This application is more than ten days before the deadline.

In support of this request, Applicants state:

1. On December 3, 2025 (App:1a), the Ninth Circuit affirmed a 12(b)(6) dismissal of Petitioners’ claims. The Ninth Circuit ruled that Plaintiffs’ § 1983 claims for deprivation of constitutional and federal statutory rights arising from Plaintiffs’ refusal of EUA/PREP Act Covid-19 investigational drugs were foreclosed by the Ninth Circuit’s ruling in *Curtis v. Inslee*, 154 F.4<sup>th</sup> 678 (9<sup>th</sup> Cir. 2025). Applicants are represented by the same counsel as the Plaintiffs in *Curtis*, in which Plaintiffs are seeking writs of certiorari from this Court.

2. Since *Curtis* was decided first and fully sets forth the reasons for the dismissal of Plaintiffs’ claims herein, and since Applicants herein will rely upon the arguments made in *Curtis*, with the Petition for Certiorari in *Curtis* being due on March 5, 2026, and because of undersigned counsel’s obligations prevent his ability

to complete the Petition timely, including filing a Petition for Writ of Certiorari in this Court on February 18, 2026, in *Sweeney v. UCHA* (25A751), and on March 5, 2026, in *Curtis v. Inslee* (25A703), in addition to an opening brief to the Ninth Circuit (*McMahon v. City of Los Angeles*, 25-6872) on March 10, 2026, and further in addition to daily case work, Applicants seek this 90-day extension.

3. Because undersigned counsel is a solo-practitioner, additional counsel is being sought to assist in the writing of the petition and argument before this Court, which will ensure that Petitioners are properly represented.

4. The 90-day extension would not prejudice the respondents, who have been contacted and have no opposition.

### **CONCLUSION**

Applicants request a 90-day extension—to and including June 2, 2026—to file a Petition for Writ of *Certiorari*.

Dated: February 6, 2026

Respectfully submitted,

s/ David J. Schexnaydre  
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### **CERTIFICATE AS TO FORM**

Pursuant to Sup. Ct. Rules 22 and 33, I certify that the foregoing application is proportionately spaced, has a typeface of Century Schoolbook, 12 point, and contains 2 pages (and 375 words) respectively, excluding this Certificate as to Form, the Table of Contents, and the Certificate of Service.

### **CERTIFICATE OF SERVICE**

The undersigned certifies that, on the 6<sup>th</sup> day of February, 2026, in addition to filing the foregoing document—together with its appendix—via the Court’s electronic filing system, one true and correct copy of the foregoing document and appendix was served by Regular Mail, with a PDF courtesy copy served via electronic mail on the following counsel:

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The undersigned further certifies that, on this 6<sup>th</sup> day of February, 2026, an original and two true and correct copies of the foregoing document and its appendix were sent electronically with paper copies following by Priority Mail delivery to the Court.

Executed February 6, 2026

s/ David J. Schexnaydre  
David J. Schexnaydre