

# In the Supreme Court of the United States

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No. 26A \_\_\_\_\_  
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DAVID PETERSEN, BEAU WATSON, JAY STICKNEY, EVAN MERRITT, NORM ALAN  
PETERSON II, RILEY KORF, RYAN STUPEY, AND KEVIN GLEASON, *Applicants*

v.

SNOHOMISH REGIONAL FIRE AND RESCUE, ET AL.

\_\_\_\_\_  
**APPLICATION FOR AN EXTENSION OF TIME TO FILE A PETITION  
FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**  
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To the Honorable Elena Kagan  
Associate Justice of the United States  
and Circuit Justice for the Ninth Circuit  
\_\_\_\_\_

Pursuant to Rules 13.5 and 30.2 of this Court, counsel for above-captioned applicants (collectively, “Plaintiffs”) in this action respectfully request a 30-day extension of time, to and including April 16, 2026, within which to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit in this case. The court of appeals entered its judgment on September 2, 2025. App.21a. It denied the petition for panel rehearing and rehearing en banc on December 17, 2025. App.46a. Unless extended, the time for filing a petition for a writ of certiorari will expire on March 17, 2026. The jurisdiction of this Court would be invoked under 28 U.S.C. § 1254(1).

1. This case concerns the application of this Court’s recent decision in *Groff v. DeJoy*, 600 U.S. 447 (2023). Title VII of the Civil Rights Act of 1964 requires employers to accommodate their employees’ religious practices unless doing so would impose an “undue hardship on the conduct of [their] business.” 42 U.S.C. § 2000e(j). In *Groff*, this Court clarified that “undue hardship” amounts to “a burden [that] is substantial in the overall context of an employer’s business.” *See* 600 U.S. at 468, 473.

2. The Ninth Circuit misapplied that standard. In this case, eight firefighters sued their employer, Snohomish Regional Fire and Rescue (SRFR), under Title VII, alleging that SRFR failed to accommodate their requests for a religious exemption from a COVID-19 vaccination mandate. App.9a. The district court granted summary judgment to SRFR, and the Ninth Circuit affirmed. But in doing so, the Ninth Circuit deferred to the employer over the employee, resolving disputes over the existence of an undue hardship in favor of SRFR, the movant. Indeed, the court disregarded Plaintiffs' evidence on the theory that it was "contradicted" by other evidence, App.36a, amounted to "hindsight," App.41a, and seemed "anecdotal," App.36a.

This case would have come out differently in other circuits, which recognize that employers cannot satisfy *Groff's* undue-hardship standard at summary judgment when the parties present "conflicting evidence." See, e.g., *Kluge v. Brownsburg Cmty. Sch. Corp.*, 150 F.4th 792, 806 (7th Cir. 2025). Correcting this flawed understanding of *Groff* is critically important. By permitting employers to obtain summary judgment on the undue hardship question despite competing evidence, the Ninth Circuit circumvents *Groff's* central holding and allows employers to deny legally required accommodations so long as they can point to some evidence of a burden—no matter how disputed.

3. Counsel respectfully requests a 30-day extension of time, to and including April 16, 2026, within which to file a petition for a writ of certiorari. This case raises significant questions about the proper application of *Groff*, especially in the context of motions for summary judgment. An extension would allow counsel time to analyze the issues presented, review the record, and prepare the petition for filing. Undersigned counsel has been occupied with deadlines in other matters since the Ninth Circuit issued the order denying rehearing, including a petition for certiorari in *Citizens Bank, N.A. v. Conti* (No. 25-1004) filed February 19, a petition for rehearing en banc in *Atchley v. AstraZeneca UK Ltd.*, (D.C. Cir. No. 20-7077) filed February 23, a petition for certiorari in *BNSF Railway Co. v. Lynn* (No. 25A740) filed March 2, and oral argument in *Munson P. Hunter, III v. United States* (No. 24-1063) on March 3.

In addition, the undersigned counsel of record has several other competing deadlines in the coming weeks, including a brief in opposition to certiorari due in *Amaplat Mauritius*

*Ltd. v. Zimbabwe Mining Development Corp.*, (No. 25-699) on March 19, a response brief due in *Natera, Inc. v. Guardant Health, Inc.*, (9th Cir. No. 25-5503) on March 20, oral argument in *T.M. v. University of Maryland Medical System Corp.* (No. 25-197) on April 20, and other non-public pending matters that will occupy a significant portion of time in the coming weeks.

Respectfully submitted,

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