

No. _____

**IN THE
Supreme Court of the United States**

NANCY TYSON,
Petitioner,

v.

PARK MEADOWS HEALTHCARE AND REHABILITATION CENTER, LLC,
AND THE OAKS NH, L.L.C.,
Respondents.

On Petition for a Writ of Certiorari to the
District Court of Appeal of Florida, First District

**APPLICATION FOR AN EXTENSION OF TIME
WITHIN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI**

PAUL S. ROTHSTEIN

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PAUL S. ROTHSTEIN, P.A.

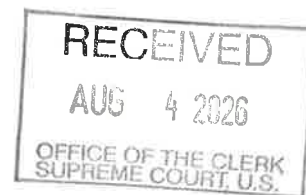
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Counsel for Plaintiffs/Appellants



To the Honorable Clarence Thomas, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Eleventh Circuit:

1. Pursuant to Supreme Court Rule 13.5, Petitioner Nancy Tyson respectfully requests a sixty (60) day extension of time, to and including October 9, 2026, within which to file a petition for a writ of certiorari to review the judgment of the District Court of Appeal of Florida, First District (“First DCA”), in Case No. 1D2024-2405.
2. This Court has jurisdiction under 28 U.S.C. § 1257(a). The First DCA is the highest state court in which a decision on the merits of this case could be had. The Supreme Court of Florida lacks jurisdiction to review a *per curiam* affirmance issued without a written opinion. See Fla. Const. art. V, § 3(b)(3); *Jenkins v. State*, 385 So. 2d 1356 (Fla. 1980).
3. This case arises from a civil action filed in the Circuit Court of the Eighth Judicial Circuit, in and for Alachua County, Florida, Case No. 2023-CA-001552. The circuit court dismissed the action after granting Defendants/Appellees’ Motion for Judgment on the Pleadings. [The Order Granting Motion for Judgment on the Pleadings is attached as Attachment A.] Petitioner timely appealed to the First DCA, Case No. 1D2024-2405. On March 26, 2026, the First DCA *per curiam* affirmed the judgment below without a written opinion. Petitioner timely filed a Motion for Rehearing and Rehearing En Banc, or Alternatively Motion for Issuance of a Written Opinion and Certification. The First DCA denied that motion on May 11, 2026. [Copies of

the *per curiam* affirmance and the order denying rehearing are attached as Attachments B and C.]

4. Because Petitioner timely sought rehearing, the time to file a petition for a writ of certiorari runs from the date rehearing was denied. See Sup. Ct. R. 13.3. Absent an extension, the petition would therefore be due on August 10, 2026 — the next business day after August 9, 2026 (the 90th day following the May 11, 2026 order denying rehearing), which falls on a Sunday. See Sup. Ct. R. 30.1. This application is filed more than ten days before that deadline, as required by Rules 13.5 and 30.2. No prior application for an extension of time has been made in this case.
5. Good cause exists for the requested extension. This case presents a complex and unsettled question of federal law: whether Title III of the Americans with Disabilities Act, 42 U.S.C. § 12181 et seq., and the private cause of action it affords, preempts application of chapter 400, Florida Statutes — and, in particular, the exclusive-remedy provision of that chapter — to a nursing-home resident’s disability-discrimination claims. Sound development of the petition requires careful analysis of the interaction between federal disability-rights law and Florida’s statutory scheme governing long-term care litigation, and of how other courts have treated analogous preemption questions.
6. That task is complicated further because the First DCA affirmed by unelaborated *per curiam* affirmance, without a written opinion stating its reasoning. Counsel must therefore reconstruct, from the full record and the

parties' briefing below, the grounds on which the decision may rest in order to properly frame the questions presented and address every plausible basis for the ruling — a task considerably more time-consuming than responding to a reasoned opinion.

7. The additional time requested is necessary for undersigned counsel to research these issues thoroughly, review the record, and prepare a petition that will be of maximum assistance to the Court. This application is made in good faith and not for purposes of delay, and the requested extension will not prejudice Respondents.

For the foregoing reasons, Petitioner respectfully requests that the time within which to file a petition for a writ of certiorari be extended sixty (60) days, to and including October 9, 2026.

Respectfully submitted,

/s/ Paul S. Rothstein
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Counsel of Record
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Counsel for Petitioner

Dated: July 31, 2026

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of July, 2026, a copy of the foregoing Application for an Extension of Time Within Which to File a Petition for a Writ of Certiorari was served, as required by Supreme Court Rules 22.2 and 29, via email, on counsel of record for Respondents:

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/s/ Paul S. Rothstein
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EXHIBIT A

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA

NANCY TYSON

Plaintiff,

Case No. 2023-CA-001552

vs.

PARK MEADOWS HEALTHCARE AND
REHABILITATION CENTER, LLC, AND
THE OAKS NH, LLC

Defendant.

**ORDER GRANTING DEFENDANTS', THE OAKS NH, L.L.C. AND PARK
MEADOWS HEALTHCARE AND REHABILITATION CENTER LLC, MOTIONS
FOR JUDGEMENT ON THE PLEADINGS**

THIS CAUSE, having come before the Court on Defendants', THE OAKS NH, L.L.C.
and PARK MEADOWS HEALTHCARE AND REHABILITATION CENTER L.L.C., Motions
for Judgment on the Pleadings as to Plaintiff's Second Amended Complaint and the Court being
duly advised in the premises, it is:

ORDERED and ADJUDGED as follows:

1. Defendants', THE OAKS NH, L.L.C. and PARK MEADOWS HEALTHCARE AND
REHABILITATION CENTER L.L.C., Motions are **GRANTED**.
2. Both Defendants are entitled to judgment on the pleadings as a matter of law based
solely on the pleadings.
3. Chapter 400 Fla. Stat. applies to the allegations of the Second Amended Complaint.

4. Plaintiff did not comply with the statutory pre-suit requirements of Chapter 400 or bring her claim within the statutory period of Chapter 400.
5. Plaintiff's Second Amended Complaint is dismissed with prejudice.
6. This Court reserves jurisdiction over the award of attorney's fees and costs in this matter.

DONE AND ORDERED on Wednesday, August 28, 2024.

01-2023-CA-001552 08/28/2024 06:12:49 PM

George M. Wright, Circuit Judge
01-2023-CA-001552 08/28/2024 06:12:49 PM

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies have been furnished by U.S. Mail or via filing with the Florida Courts E-Filing Portal on Tuesday, September 3, 2024.

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01-2023-CA-001552 09/03/2024 04:38:19 PM

Anita L. Simoneaux

Anita Simoneaux, Judicial Assistant

01-2023-CA-001552 09/03/2024 04:38:19 PM

EXHIBIT B

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D2024-2405

NANCY TYSON,

Appellant,

v.

PARK MEADOWS HEALTHCARE
AND REHABILITATION CENTER,
LLC, and THE OAKS NH, L.L.C.,

Appellees.

On appeal from the Circuit Court for Alachua County.
George M. Wright, Judge.

March 26, 2026

PER CURIAM.

AFFIRMED.

RAY, WINOKUR, and M.K. THOMAS, concur.

***Not final until disposition of any timely and
authorized motion under Fla. R. App. P. 9.330 or
9.331.***

Paul S. Rothstein of Paul S. Rothstein, P.A., Gainesville, for Appellant.

Mark Alan Humphrey and Kelli Biferie Hastings of Humphrey Law Group, Longwood, for Appellee Park Meadows Healthcare and Rehabilitation Center, LLC; Thomas A. Valdez, Megan G. Colter, and Kenneth D. Miranda of Quintairos, Prieto, Wood & Boyer, P.A., Tampa, for Appellee The Oaks NH, L.L.C.

EXHIBIT C

DISTRICT COURT OF APPEAL, FIRST DISTRICT
2000 Drayton Drive,
Tallahassee, Florida 32399-0950
Telephone No. (850) 488-6151

May 11, 2026

Nancy Tyson,
Appellant(s)

Case 1D2024-2405
L.T. No.: 2023-CA-001552

v.

Park Meadows Healthcare and
Rehabilitation Center, LLC, and
The Oaks NH, L.L.C.,
Appellee(s).

BY ORDER OF THE COURT:

The Court denies the motion for rehearing and rehearing en banc, or alternatively motion for issuance of a written opinion and certification docketed April 10, 2026.

I HEREBY CERTIFY that the above order is issued at the Court's direction.

Served:

Megan Gisclar Colter
Kelli Biferie Hastings
Mark Alan Humphrey
Kyla Vanessa Lemieux
Kenneth Dario Miranda
Paul S. Rothstein
Thomas Anthony Valdez
Hon. George Micah Wright

TH

Case 1D2024-2405

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~~1D2024-2405 May 11, 2026~~
Kristina Samuels, Clerk
1D2024-2405 May 11, 2026

