

No. A-_____

IN THE
Supreme Court of the United States

ROBINSON HELICOPTER COMPANY, INC.,

Applicant,

v.

MINA MCAULIFFE AND THOMAS MCAULIFFE, INDIVIDUALLY
AND AS CO-PERSONAL REPRESENTATIVES
OF THE ESTATE OF RYAN MCAULIFFE, DECEASED,

Respondents.

Application for Extension of Time Within Which
to file a Petition for a Writ of Certiorari to the
United States Court of Appeals for the Ninth Circuit

**APPLICATION TO THE HONORABLE
ELENA KAGAN AS CIRCUIT JUSTICE**

CATHERINE BONAHER SLAVIN

Counsel of Record

GORDON REES SCULLY MANSUKHANI, LLP

1717 Arch Street, Suite 610

Philadelphia, Pennsylvania 19103

Telephone: (215) 717-4006

cslavin@grsm.com

Counsel for Applicant

Robinson Helicopter Company, Inc.

RULE 29.6 CORPORATE DISCLOSURE STATEMENT

Applicant Robinson Helicopter, Inc. was a defendant and the appellee below. Robinson Helicopter Company, Inc. is a private non-governmental corporation existing under the laws of the State of California. Its parent company is RH Parent LLC, a Delaware limited liability company. No publicly held corporation holds 10% or more of the stock of Robinson Helicopter Company, Inc.

TO THE HONORABLE ELENA KAGAN, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE NINTH CIRCUIT:

Pursuant to S. Ct. Rule 13.5, Applicant Robinson Helicopter Company, Inc. respectfully requests a 48-day extension of time—until October 13, 2026—in which to file its petition for writ of certiorari to review a judgment of the United States Court of Appeals for the Ninth Circuit. Applicant filed a petition for rehearing en banc, which was denied on May 28, 2026. App., *infra*, 1a. Absent an extension, the deadline to file a petition for writ of certiorari will expire on August 26, 2026. See S. Ct. Rules 13.1, 13.3, 30.1. This Court’s jurisdiction would be invoked under 28 U.S.C. § 1254(a).

1. This case presents important questions related to the proper interpretation and application of the General Aviation Revitalization Act of 1994 (GARA), 49 U.S.C. § 40101 note, and in particular, the rolling repose period in Section 2(a)(2) of the statute. Applicant is a manufacturer of “general aviation aircraft,” as defined by the statute, *see id.* § 2(c), that are subject to protections from long-tail tort liability afforded by GARA.

GARA provides that “no civil action for death or injury ... arising out of an accident involving a general aviation aircraft may be brought against the manufacturer” more than 18 years after the manufacturer delivers the aircraft to its first purchaser. 49 U.S.C. § 40101 note, § 2(a)(1)(A). If, however, a new part is replaced or added to the aircraft, a separate 18-year repose period will

start against the manufacturer of the “replacement or addition,” provided that such new part is later “alleged to have caused” the aircraft accident. *Id.* § 2(a)(2). GARA “supersedes any State law to the extent that such law permits a civil action ... to be brought after the applicable limitation period.” *Id.* § 2(d).

2. Applicant moved for, and received, summary judgment under GARA. App., *infra*, 45a. Relevant here, the district court held that replacement of some parts on a Robinson R44 general aviation aircraft did not start a new rolling repose period under Section 2(a)(2) of GARA. *Id.* 39a-40a.

A divided panel of the Ninth Circuit reversed that portion of the district court’s summary judgment order, App., *infra*, 4a, 6a, 19a, with the majority holding that one part need only replace another part to start a new repose period under Section 2(a)(2) of GARA. *Id.* 11a-16a. The dissent took exception because controlling circuit precedent interpreted Section 2(a)(2) of GARA to require more than mere replacement of parts and instead compelled a showing that the parts were “materially altered in some way.” *Id.* 20a-21a, 22a.

The Ninth Circuit’s interpretation of GARA in this case is in direct conflict with the Sixth Circuit’s interpretation of GARA, which is that Section 2(a)(2) restarts the repose period only where the replacement part has been substantively altered from the part it replaced—through a design change or a manufacturing defect—and the alteration is alleged to have caused the harm. *See Crouch v. Honeywell Int’l, Inc.*, 720 F.3d 333, 343 (6th Cir. 2013). As the

Sixth Circuit interprets the statute, “Section 2(a)(2) cannot be reasonably construed as meaning that the 18-year period of repose for the entire [GARA-protected part] is reset every time a single sub-part is replaced.” *Id.*

3. This case presents significant and complex issues regarding the scope of relief afforded by the federal statute of repose. A 48-day extension is necessary to allow Applicant’s counsel sufficient time to prepare the petition for a writ of certiorari addressing issues of paramount importance to the general aviation industry. In addition, counsel in the district court and Ninth Circuit proceedings in this case is in the process of becoming a member of the bar of this Court and, at the same time, is preparing a brief on behalf of the applicant in the Fourth Circuit in *Tayag v. Robinson Helicopter Company, Inc.*, No. 26-1549, which brief is due on August 14, 2026.

Accordingly, Applicant respectfully requests an extension of time up to and including October 13, 2026, in which to file a petition for writ of certiorari.

Respectfully submitted,

/s/ Catherine Bonaker Slavin

CATHERINE BONAHER SLAVIN

Counsel of Record

GORDON REES SCULLY MANSUKHANI, LLP

1717 Arch Street, Suite 610

Philadelphia, Pennsylvania 19103

Telephone: (215) 717-4006

cslavin@grsm.com

Counsel for Applicant

Robinson Helicopter Company, Inc.