

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES
October Term 2025

Kellie Wilson, *Petitioner*

v.

AIM Specialty Health, *Respondent*.

*Application for Extension of Time to File Petition for Writ of Certiorari
to the United States Court of Appeals for the Seventh Circuit*

To the Honorable Amy Coney Barrett, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Court of Appeals for the Seventh Circuit:

Pursuant to Rules 13.5, 22, and 30.2 of the Rule of this Court and 28 U.S.C. § 2101(c), Petitioner Kellie Wilson respectfully requests for a 60-day extension of time to file her petition for certiorari to this Court to and including Monday, October 26, 2026.

1. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254 (1). Under this Court’s Rule 13.1, Certiorari “is timely when it is filed with the Clerk of this Court within 90 days after entry of the judgment.” The Seventh Circuit Court of Appeals issued its decision in *Wilson v. AIM Specialty Health*, No. 23-3418,

on May 27, 2026, along with a final judgment. (Exhibit 1). Pursuant to Rule 13.3, Petitioner's time to file a petition for certiorari in this Court expires on August 25, 2026. This application is being filed more than 10 days before that date.

2. This case, alleging racially motivated employment discrimination, arises from the United States District Court for the Northern District of Illinois, Eastern Division. Ms. Wilson filed her Equal Employment Opportunity Commission charge in June of 2019, and her district court complaint in April of 2021. Ms. Wilson raised two theories of liability (failure to promote and disparate compensation) across three statutes: a Title VII Violation; an IHRA Violation; and a 42 U.S.C. § 1981 violation. The district court granted AIM's motion without a hearing. (Exhibit 2).
3. As to the disparate compensation theory, with reliance on the Seventh Circuit's decision in *Ortiz v. Werner Enters., Inc.*, 834 F.3d 760, 765 (7th Cir. 2016), the district court concluded that a "jury could not conclude that Wilson's race *alone*—rather than her qualifications—was the source of the compensation differences." (Exhibit 2 at 11) (emphasis added).
4. As to the failure to promote theory, again with reliance on *Ortiz*, the district court concluded that a "jury...could not conclude that Wilson did not receive a promotion *solely* due to her race." *Id.* at 21 (emphasis added).
5. The district court entered a final judgment on December 4, 2023. Ms. Wilson timely filed her notice of appeal on December 26, 2023.

6. After oral argument in this case, the Supreme Court of the United States issued two opinions attacking the continued reliance on the *McDonnell Douglas* burden-shifting framework at the summary-judgment stage: *Ames v. Ohio Dep't of Youth Services*, 145 S. Ct. 1540, 1548-1555 (2025) (Thomas, J. and Gorsuch, J., concurring), and *Hittle v. City of Stockton*, 145 S. Ct. 759, 760-764 (2025) (Thomas, J., and Gorsuch, J., dissenting from certiorari denial).
7. In *Ames*, Justice Thomas stated in a concurrence that “litigants and lower courts are free to proceed without the *McDonnell Douglas* framework” until the Supreme Court is squarely presented an opportunity to “consider whether the framework should be used” at all at the summary-judgment stage. 145 S. Ct. at 1555 (emphasis added).
8. Based on this authority, Appellant filed a motion asking the Seventh Circuit Court of Appeals to accept proposed supplemental briefing regarding the continuing viability of *McDonnell Douglas*. (Exhibit 3). The proposed supplemental briefing accurately encapsulates the gist of the arguments Appellant would raise, were this Court to grant certiorari review. Therein, Appellant argued: “So, Justice Thomas was concerned with a ‘whole’ causation standard, *Ames*, 145 S. Ct. at 1554, and the district court below applied exactly that when it applied a ‘sole’ causation standard, App’x 17, 21. Thus, Ms. Wilson’s case illustrates the problems with which Justice Thomas was concerned; and it presents a clean vehicle to revisit the utility of *McDonnell Douglas* at the summary-judgement stage.”

9. The Seventh Circuit denied that motion for supplemental briefing. (Exhibit 4).
10. After full briefing by the parties, and oral argument presented to the circuit court on February 4, 2025, the Seventh Circuit Court of Appeals issued a 16-page opinion on May 27, 2026, affirming the district court's grant of summary judgment and entry of judgment against Ms. Wilson and in favor of AIM. (Exhibit 1) ("We recognize Wilson's frustration in witnessing non-Black colleagues rise more quickly through AIM's ranks, with higher pay. We do not pass judgment on the veracity of her claims that it took AIM much longer to recognize her efforts. However, based on the evidence Wilson presented, a reasonable jury could not find that AIM's reasons for setting her pay or failing to promote her were really meant to discriminate against her based on her race, so we must AFFIRM."). The Seventh Circuit affirmed *under McDonnell Douglas*, as well as the broader approach articulated in *Ortiz*.
11. Ms. Wilson seeks this Court's review because this case presents a substantial and important question of federal law: the continuing viability of the *McDonnell Douglas* framework, as explained in the proposed supplemental briefing Appellant attempted to provide the Seventh Circuit. The Seventh Circuit continues to misapply of the *McDonnell Douglas* framework—such that an indefensible "sole" cause standard is invented when applying the framework—exemplifies the unworkability of the framework at the summary-judgment stage. *Ames*, 145 S. Ct. at 1555. A "sole" causation standard is so far afield from the text of Title VII—or even the atextual understanding of Title

VII promulgated by *McDonnell Douglas*—that it must be re-examined. Ms. Wilson’s case is a clean and appropriate vehicle for that re-examination. *McDonnell Douglas* was “created as a tool for resolving the ‘ultimate question’ in a Title VII case,” *Hittle*, 145 S. Ct. at 761, but Ms. Wilson’s case shows that the tool has probably done more harm than good to the orderly disposition of Title VII disputes.

12. Mr. Michael J. Ellis was counsel of record for Petitioner throughout her appeal, including the review of the district court record, the briefing; and Mr. Ellis presented oral arguments before the Seventh Circuit.
13. An extension of time is necessary because Petitioner—after months of intense faith-based reflection and consideration of other secular circumstances—decided only recently to bear the expense of petitioning this Court for certiorari review. Notably, Mr. Ellis, lead counsel in the appeal, was on paternity leave from May 27, 2026 (the day the opinion was issued) through July 6, 2026, delaying certain discussions.
14. Additionally, Ms. Wilson, who is the fulltime caregiver for her adult brother who lives with permanent special needs, has struggled to make time for reflection.
15. The undersigned was retained on August 13, 2026, as Mr. Ellis and the other members of his firm are not admitted to the bar of this Court.
16. The Respondents do not consent to an extension.

Accordingly, Applicant and Petitioner Kellie Wilson respectfully request that this Court grant this motion and enter an Order extending the time to petition the Court for a writ of certiorari by sixty days, to Monday, October 26, 2026.

Respectfully Submitted,
August 14, 2026,

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