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No. 26A

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# In the Supreme Court of the United States

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ABRAHAM GRINDLING,  
*Applicant,*

v.

CATHAY PACIFIC AIRWAYS LTD.,  
*Respondent.*

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

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

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## **TABLE OF CONTENTS**

|                                                                                            |    |
|--------------------------------------------------------------------------------------------|----|
| Table of Contents .....                                                                    | i  |
| Appendix .....                                                                             | i  |
| Rule 29.6 Statement .....                                                                  | ii |
| Application to Extend the Time to File a Petition for a Writ of<br><i>Certiorari</i> ..... | 1  |
| I. Judgment for Review .....                                                               | 1  |
| II. Basis for <i>Certiorari</i> Clock Computation.....                                     | 4  |
| III. Reasons the Requested Extension Is Justified .....                                    | 4  |
| A. Complexity and Importance of the Questions Presented .....                              | 4  |
| B. Counsel of Record’s Other Professional Commitments .....                                | 5  |
| C. Substitute Counsel’s Substantial Existing Docket .....                                  | 5  |
| D. Coordination of the Abandonment Record .....                                            | 6  |
| E. No Prior Extension Request or Prejudice.....                                            | 7  |
| IV. Conclusion .....                                                                       | 7  |

## **TABLE OF AUTHORITIES**

### **Cases**

|                                                                                         |      |
|-----------------------------------------------------------------------------------------|------|
| <i>Bassen v. United States</i> , No. 23-211 (Fed. Cl.) .....                            | 6    |
| <i>Bates v. Dura Auto. Sys., Inc.</i> , 767 F.3d 566 (6th Cir. 2014) .....              | 5    |
| <i>Cook County v. Nawara</i> , No. 25-303 (Dec. 15, 2025).....                          | 2, 4 |
| <i>Harkins v. United States</i> , No. 23-1238C (Fed. Cl.).....                          | 6    |
| <i>Konie v. United States</i> , No. 23-174 (Fed. Cl.) .....                             | 6    |
| <i>Maples v. Thomas</i> , 565 U.S. 266 (2012).....                                      | 3, 4 |
| <i>Mullin v. Sec’y, Dep’t of Veterans Affairs</i> , 88 F.4th 858 (11th Cir. 2023) ..... | 5    |
| <i>Nawara v. Cook County</i> , 132 F.4th 1031 (7th Cir. 2025) .....                     | 2-5  |

### **Statutes and Other Authorities**

|                                                                    |      |
|--------------------------------------------------------------------|------|
| 28 U.S.C. § 1254(1) .....                                          | 1    |
| Americans with Disabilities Act,<br>42 U.S.C. § 12101 et seq. .... | 2-3  |
| 42 U.S.C. § 12102.....                                             | 2    |
| S.Ct. Rule 13.1 .....                                              | 1    |
| S.Ct. Rule 13.3 .....                                              | 1, 4 |

|                                  |      |
|----------------------------------|------|
| S.Ct. Rule 13.5 .....            | 1, 4 |
| S.Ct. Rule 22 .....              | 1    |
| S.Ct. Rule 30.2 .....            | 1    |
| Fed. R. App. P. 28(a)(8)(A)..... | 2-5  |
| Fed. R. App. P. 28(j).....       | 2-5  |
| Fed. R. Civ. P. 12(b)(6).....    | 2    |

## **APPENDIX**

|                                                                                                 |    |
|-------------------------------------------------------------------------------------------------|----|
| <i>Grindling v. Cathay Pacific Airways Ltd.</i> ,<br>No. 25-2367 (7th Cir. June 29, 2026) ..... | 1a |
|-------------------------------------------------------------------------------------------------|----|

## **RULE 29.6 STATEMENT**

Applicant is a natural persons without parent companies or stock.

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

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

Pursuant to Supreme Court Rules 13.5, 22, and 30.2, applicant Abraham Grindling (“Applicant” or “Grindling”) respectfully requests a 60-day extension of the time within which to file a petition for a writ of *certiorari* in the above-captioned case, to and including **Friday, November 27, 2026** (*i.e.*, the day after Thanksgiving). Without an extension, the petition would be due on Sunday, September 27, 2026, which Supreme Court Rule 30.1 extends to Monday, September 28, 2026. Applicant has not previously sought an extension of time in this Court and files this application more than ten days prior to that current deadline.

The basis for this Court’s jurisdiction is 28 U.S.C. § 1254(1). The United States Court of Appeals for the Seventh Circuit entered its judgment dismissing Applicant’s appeal on June 29, 2026. *See* Appendix \_\_a (dismissal order). Applicant’s subsequent motion for leave to file an out-of-time petition for rehearing was denied on August 7, 2026. Because the court of appeals denied leave to entertain the rehearing petition, the 90-day period under this Court’s Rule 13.1 runs from the June 29, 2026, judgment. *See* Sup. Ct. R. 13.3.

**I. JUDGMENT FOR REVIEW**

Applicant Abraham Grindling is a former pilot for respondent Cathay Pacific Airways Ltd. Cathay terminated his employment in 2022 after he declined to receive one of the Covid-19 mRNA products, notwithstanding a documented medical history

that precluded him from taking any such product. Applicant sued in the United States District Court for the Northern District of Illinois, alleging, among other things, that Cathay’s conduct violated the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq* (“ADA”). The district court granted Cathay’s motion pursuant to Fed. R. Civ. P. 12(b)(6) to dismiss the ADA claims on the ground that Applicant had not sufficiently alleged a “disability” or a “regarded as” disabled claim under the ADA. Applicant timely appealed.

On June 29, 2026, a panel of the Seventh Circuit (Hamilton, Kirsch, and Kolar, JJ.) dismissed the appeal in a two-page nonprecedential order without reaching the merits, invoking Fed. R. App. P. 28(a)(8)(A) and the Seventh Circuit’s decision in *Anderson v. Hardman*, 241 F.3d 544, 545–46 (7th Cir. 2001). *See* Appendix 1a-2a. The panel did so notwithstanding that substitute counsel timely filed a notice of supplemental authority pursuant to Fed. R. App. P. 28(j) on April 11, 2026—three days before oral argument—that drew the court’s attention to *Nawara v. Cook County*, 132 F.4th 1031 (7th Cir. 2025). *Nawara* clarified the Rule 12(b)(6) legal standard the district court applied in dismissing Applicant’s ADA claims—namely, whether a plaintiff must necessarily plead a traditional “qualifying disability” or “regarded as” status under 42 U.S.C. § 12102 in order to state a claim that his employer’s medical inquiries and subsequent termination violated the ADA. *Nawara* did not introduce a legal theory foreign to the appeal: predecessor counsel’s opening brief, though deficient in many respects, expressly challenged the district court’s application of the Rule 12(b)(6) standard to Applicant’s ADA allegations. *Nawara*

controlled the resolution of that preserved question, and a timely Rule 28(j) notice—filed by substitute counsel three days before oral argument, immediately upon admission to the Seventh Circuit Bar—placed it squarely before the panel.

The circumstances that produced the current posture are unusual. Applicant’s original appellate counsel, Christopher R. Burns, was interim-suspended by the New Hampshire Supreme Court on December 23, 2025, and disbarred on May 13, 2026—in each case for reasons directly germane to this appeal. Substitute counsel entered a Notice of Appearance in the Seventh Circuit on April 3, 2026 (eleven days before oral argument) and filed the Rule 28(j) notice regarding *Nawara* on April 11, 2026 (eight days after admission to the Seventh Circuit Bar). The panel’s dismissal opinion notes, but does not address, either explicitly or by implication, the effect of former counsel’s abandonment or the controlling force of *Nawara*.

The forthcoming petition will present two questions of substantial and recurring importance:

**First**, whether a court of appeals may dismiss a civil appeal under Federal Rule of Appellate Procedure 28(a)(8)(A) without considering the doctrine of counsel abandonment recognized by this Court in *Maples v. Thomas*, 565 U.S. 266 (2012), and *Holland v. Florida*, 560 U.S. 631 (2010), particularly where substitute counsel appears promptly upon becoming aware of predecessor counsel’s misconduct and files a timely Rule 28(j) notice identifying controlling supplemental authority.

**Second**, whether Rule 28(a)(8)(A) may properly be invoked to avoid engagement with a pure question of law placed before the court through a timely Rule

28(j) notice of controlling intervening authority—a question that implicates the boundary between the appellate-argument-forfeiture principles governing Rule 28(a)(8)(A) and the supplemental-authority procedures governing Rule 28(j), and that is of general importance to the appellate bar.

The petition will also seek, in the alternative, an order granting, vacating, and remanding (GVR) in light of *Nawara*, which—as this Court’s denial of *certiorari* in *Cook County v. Nawara*, No. 25-303 (Dec. 15, 2025), left undisturbed—is settled Seventh Circuit law.

## **II. BASIS FOR *CERTIORARI* CLOCK COMPUTATION**

For the avoidance of doubt, Applicant confirms that under this Court’s Rule 13.3 the 90-day period runs from the Seventh Circuit’s June 29, 2026, judgment. On August 4, 2026, Applicant filed a motion for leave to file an out-of-time petition for rehearing and rehearing en banc; on August 7, 2026, the Seventh Circuit denied that motion. Because the court of appeals declined to entertain the untimely petition and did not *sua sponte* consider rehearing, the rehearing filings do not reset the 90-day clock. *See* Sup. Ct. R. 13.3. Applicant nevertheless attaches the August 7, 2026, order as an “order respecting rehearing” under Rule 13.5.

## **III. REASONS THE REQUESTED EXTENSION IS JUSTIFIED**

Good cause exists for the requested 60-day extension.

### **A. Complexity and Importance of the Questions Presented**

The forthcoming petition will present questions of civil-procedure and appellate-practice importance that extend well beyond this record. It will require careful development of (i) this Court’s abandonment jurisprudence under *Maples* and

*Holland* and its application to the civil-appellate context; (ii) the interaction between Federal Rule of Appellate Procedure 28(a)(8)(A) and Rule 28(j); and (iii) the substantive ADA framework clarified by the Seventh Circuit in *Nawara* and analogous authority in the Sixth and Eleventh Circuits. *See, e.g., Bates v. Dura Auto. Sys., Inc.*, 767 F.3d 566 (6th Cir. 2014); *Mullin v. Sec’y, Dep’t of Veterans Affairs*, 88 F.4th 858 (11th Cir. 2023). Preparing a petition that fully and fairly presents these questions requires the additional time requested.

**B. Counsel of Record’s Other Professional Commitments**

Applicant has retained Barry S. Steinberg for the limited purpose of representing Applicant before this Court in petitioning this Court for a writ of *certiorari*.<sup>1</sup> Mr. Steinberg requires additional time to master the record, review the district-court proceedings, review the Seventh Circuit filings, and prepare the petition to the standard this Court’s docket demands. Mr. Steinberg also has substantial existing obligations during the intervening period, including a long-scheduled, prepaid trip from September 10-20, 2026, oral argument on an interlocutory appeal to the 9th Circuit to be heard on October 15, and a scheduled multiday trial in the U.S. district court of Southern California commencing on 18 November 2026 with discovery production in excess of 150 GB of data and documents.

**C. Substitute Counsel’s Substantial Existing Docket**

Mr. Steinberg—Applicant’s counsel retained to petition this Court for a writ of

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<sup>1</sup> Applicant has retained the undersigned counsel for the limited purpose of applying for an extension, based on Mr. Steinberg’s travel plans.

*certiorari*—is coordinating the preparation of the petition with attorney Dale Saran, whose substitution into this matter in the court below is described above and whose factual knowledge of the underlying representation is essential to the petition. Mr. Saran serves as lead counsel for approximately 1,350 servicemembers in three related class actions pending before the United States Court of Federal Claims involving denials of religious accommodation from the Department of Defense’s COVID-19 vaccine mandate: *Bassen v. United States*, No. 23-211 (Fed. Cl.); *Konie v. United States*, No. 23-174 (Fed. Cl.); and *Harkins v. United States*, No. 23-1238C (Fed. Cl.). Under the Court of Federal Claims’ operative briefing orders, Mr. Saran’s second motions for judgment on the administrative record and reply briefs in *Bassen* and *Konie* were filed on schedules running through August 2026, and further merits briefing and status proceedings in all three actions remain ongoing during the period covered by this extension request. Mr. Saran also has an application for admission to the Bar of this Court pending, sponsored by Mr. Steinberg and by Arthur A. Schulcz, Sr., of Chaplain’s Counsel PLLC.

**D. Coordination of the Abandonment Record**

The forthcoming petition will require Applicant to place before this Court an evidentiary record concerning predecessor counsel Christopher R. Burns’s abandonment of Applicant’s appeal, including materials from the New Hampshire Attorney Discipline Office and communications reconstructing the timeline of Mr. Burns’s suspension and disbarment. That record was assembled at the Seventh Circuit stage but must be organized and presented in the format this Court’s Rule 14 requires. The requested additional time is necessary to complete that work.

**E.     No Prior Extension Request or Prejudice.**

Applicant has not previously sought an extension of time in this Court, and the requested extension will not prejudice the respondent.

**IV.    CONCLUSION**

For the foregoing reasons, Applicant respectfully requests that the time to file a petition for a writ of *certiorari* in this matter be extended by sixty (60) days, up to and including **Friday, November 27, 2026**.

Dated: September 18, 2026

Respectfully submitted,

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*Counsel for Applicant*

**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 points, and contain 7 pages (and 1,613 words) respectively, excluding this Certificate as to Form, the Table of Contents, and the Certificate of Service.

Dated: September 18, 2026

Respectfully submitted,

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## **APPENDIX**

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| <i>Grindling v. Cathay Pacific Airways Ltd.,</i><br>No. 25-2367 (7th Cir. June 29, 2026) ..... | 1a |
|------------------------------------------------------------------------------------------------|----|

**NONPRECEDENTIAL DISPOSITION**

To be cited only in accordance with Fed. R. App. P. 32.1

**United States Court of Appeals****For the Seventh Circuit  
Chicago, Illinois 60604**

Argued April 14, 2026

Decided June 29, 2026

**Before**DAVID F. HAMILTON, *Circuit Judge*THOMAS L. KIRSCH II, *Circuit Judge*JOSHUA P. KOLAR, *Circuit Judge*

No. 25-2367

ABRAHAM GRINDLING,  
*Plaintiff-Appellant,*Appeal from the United States District  
Court for the Northern District of Illinois,  
Eastern Division.*v.*

No. 1:23-cv-05030

CATHAY PACIFIC AIRWAYS LTD.,  
*Defendant-Appellee.*Sara L. Ellis,  
*Judge.***ORDER**

Plaintiff Abraham Grindling is a former pilot for defendant Cathay Pacific Airways Ltd. He sued Cathay in the Northern District of Illinois for terminating his employment after he refused to take a Covid-19 vaccine. Grindling contends that Cathay should have granted him a medical exemption based on his history of anaphylaxis from bee stings and that Cathay's actions violated its collective bargaining agreement with

No. 25-2367

Page 2

his union. He raises claims against Cathay under the Americans with Disabilities Act and the Railway Labor Act.<sup>1</sup>

The district court granted Cathay's motion to dismiss. The court concluded that the ADA claims failed because Grindling did not allege sufficiently that he has a "disability" or is regarded as disabled within the meaning of the ADA and that his RLA claims were barred by the statute of limitations. Grindling appeals.

Grindling's appellate brief wholly fails to engage with the district court's reasons for its decision. The argument section comprises fewer than four full pages. Outside of reciting federal pleading standards, the argument cites only one case and no statutory provisions. (Grindling did not file a reply brief.) On the ADA claims, he merely provides additional details about his history of anaphylaxis. He does not explain how that history makes him disabled or regarded as disabled. On the RLA claims, he does not address the district court's well-supported conclusion that the time he spent exhausting administrative remedies on his ADA claims did not toll the statute of limitations for the RLA claims because there is no requirement to exhaust any administrative remedies on those claims.

We dismiss this appeal without addressing the merits of these issues. An appellant's brief—whether he appears pro se or, as here, through counsel—must contain the "appellant's contentions and the reasons for them, with citations to the authorities and parts of the record on which the appellant relies." Fed. R. App. P. 28(a)(8)(A).<sup>2</sup> Yet outside his discussion of the pleading standard, Grindling cites only "one irrelevant case" and "offers no articulable basis for disturbing the district court's judgment." *Anderson v. Hardman*, 241 F.3d 544, 545–46 (7th Cir. 2001) (dismissing appeal for insufficient briefing); see also, e.g., *Henneberg v. Dewitt*, No. 22-1152, 2023 WL 2823066 (7th Cir. Apr. 7, 2023) (same).

DISMISSED

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<sup>1</sup> Grindling's suit against the union remains pending in another district. See *Grindling v. United States Aircrew Officers Association*, No. 23-cv-02613 (D.D.C.).

<sup>2</sup> The attorney who signed and filed this brief on behalf of Grindling was later disbarred for apparently unrelated conduct. *In re Christopher R. Burns, Esq.*, No. LD-2025-0008 (N.H. May 13, 2026).