

No.

**IN THE
SUPREME COURT OF THE UNITED STATES**

**TONY A. MESSER; KEVIN N. MUMPOWER; JANICE L. BOOHER;
PATRICIA EADS; PHILIP E. BARBROW; BENJIE G. HICKS; KENDALL W.
LUTTRELL; DARRELL G. MURRAY; DAVID A. STOVALL; DENNIS J. STILTNER;
TIMOTHY M. WAMPLER; MICHAEL L. PARKER; CHARLES E. VESTAL; JIMMY
AMBERGEY; DAVE S. BOOHER; LARRY RICHARDS, on behalf of themselves and
on behalf of others similarly situated.** **Plaintiffs-Appellants**

**GARRISON INVESTMENT GROUP, LP; JOSEPH B. TANSEY; STEVEN
SCOTT STUART; GIG GP LLC; JTSS BORROWER LLC; JOSHUA
BRANDT; JULIAN WELDON; BRIAN STEVEN CHASE; GARRISON SPECIAL
OPPORTUNITIES GP LLC; GARRISON COMMERCIAL FUNDING VIII LLC;
GARRISON FINANCIAL ASSETS MM LLC; GARRISON SPECIAL
OPPORTUNITIES HOLDINGS GP LLC; BCPI ACQUISITIONS, INC; GARRISON
BRISTOL LLC; GARRISON BRISTOL HOLDINGS LLC. **Defendants Appellees****

**On Petition for Writ of Certiorari to the United States Court of
Appeals for the Fourth Circuit**

**Application for Extension of Time to File Petition for Writ of
Certiorari to Chief Justice Roberts**

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Counsel for Petitioners
Plaintiffs-Appellants

Pursuant to Supreme Court Rule 13(5), Plaintiffs-Appellants, by counsel, submit this application to extend time to file a Petition for a Writ of Certiorari to the Honorable Chief Justice Roberts as Circuit Justice for the Fourth Circuit Court of Appeals .

The opinion and judgment of the United States Court of Appeals, for the Fourth Circuit was issued on May 26, 2026. **Ex 1.** A timely petition for panel rehearing was denied on July 8, 2026. **Ex. 2.** This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

This case involves federal questions surrounding remedial legislation for the protection and benefit of America’s workers under 29 U.S.C. § 2104 (a) (1)-(2), Worker Adjustment and Retraining Act of 1988 (“the WARN Act”) and ERISA 29 U.S.C. §1132 (a)(1)(B). Approximately 4 million dollars owed to more than 300 workers is at issue.

Defendant, a New York private equity parent company, Garrison, owned and controlled a subsidiary company, a compressor manufacturing company in Bristol, Virginia, Bristol Compressors Inc. (BCI). Garrison decided to dissolve and liquidate BCI after learning its best option was liquidation value 28 million. Garrison was fiduciary of

the severance pay plan controlled all funds, revenue and liquidation assets and cancelled BCI existence with out payment of judgments against BCI for Warn Act damages and ERISA severance pay.

It Also seeks to correct a false statement made by the panel of the Fourth Circuit in a published opinion that the panel refused to rehear and correct, identified in the published opinion as a “critical” finding in the court’s opinion.

Reasons for this petition:

1. Medical condition of Plaintiffs’ counsel. Counsel Tate has an injury to her back and neck nerve structure that has chronic disruptions with head pain, dizziness and vertigo. The physician’s letter is JA Vol. 2, in the *Messer* proceeding below in the Fourth Circuit Court of Appeals.
2. In addition, preparation will require assessing all interim cases regarding application of *Peacock v. Thomas*, 516 U.S. 349, (1996), and other authority regarding the Warn Act and ERISA issues.
3. Given other obligations, Counsel believes the additional time will permit adequate time to prepare this important Writ for these workers.

For the foregoing reasons, petitioners respectfully request an extension of 35 days to and including November 10, 2026 be granted, within which applicants may file a petition for Writ of Certiorari.

Respectfully submitted,

By Counsel

/s/ Mary Lynn Tate

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