

No. _____

In the
Supreme Court of the United States

SWAN ENERGY, INC., BRANDON DAVIS,
JOHN SCHIFFNER, AND CODY DAVIS,

Applicants,

v.

INVESTOR PROTECTION UNIT OF THE
DELAWARE DEPARTMENT OF JUSTICE,

Respondent.

*On Petition for Writ of Certiorari
to the Supreme Court of Delaware*

**APPLICATION TO THE HONORABLE SAMUEL A. ALITO, JR.
FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE A PETITION
FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE
STATE OF DELAWARE**

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*Counsel for Applicants Swan Energy, Inc.,
Brandon Davis, John Schiffner, and Cody Davis*

To the Honorable Samuel A. Alito, Jr., Circuit Justice for the Third Circuit:

Pursuant to Supreme Court Rule 13.5, Applicants Swan Energy, Inc., Brandon Davis, John Schiffner, and Cody Davis respectfully request a 47-day extension of time, to and including November 30, 2026, within which to file their Petition for a Writ of Certiorari.

CORPORATE DISCLOSURE STATEMENT

Pursuant to Supreme Court Rule 29.6, Applicant Swan Energy, Inc. states that it is a Delaware corporation with no parent or publicly held company owning 10% or more of its stock.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought was entered in *Swan Energy, Inc. v. Investor Protection Unit of the Delaware Department of Justice*, No. 331, 2025 (Del. July 16, 2026). A copy of the court's opinion is attached as Exhibit 1. This means a petition is presently due on October 14, 2026. This application for an extension of time is filed more than ten days before that date.

JURISDICTION

This Court will have jurisdiction over a timely filed petition for certiorari in this case under 28 U.S.C. § 1257.

REASONS FOR GRANTING EXTENSION OF TIME

Good cause exists for the requested extension.

This case presents important constitutional questions: Does the Seventh Amendment right to a civil jury trial apply against the States through the Fourteenth

Amendment, and, if so, does the proceeding by the Delaware Investor Protection Unit violate that constitutional guarantee?

Undersigned counsel at Pacific Legal Foundation were recently retained on September 24, 2026, to represent Applicants before this Court. Steven Simpson is counsel of record and he, along with other attorneys, need additional time to review the record and prepare the petition for certiorari.

Additionally, undersigned counsel have significant commitments through October, including a petition for certiorari before this Court; merits briefing in the U.S. Courts of Appeals for the Fifth and Ninth Circuits; dispositive-motion briefing in the United States District Court for the District of Idaho; and scheduled depositions for matters in California Superior Court. These commitments limit counsel's availability to work on this matter between today and the current deadline.

No meaningful prejudice would arise from granting the proposed extension.

* * *

CONCLUSION

For the foregoing reasons, Applicants request that the Court grant an extension of 47 days, up to and including November 30, 2026, within which to file a Petition for a Writ of Certiorari.

DATED: September 25, 2026.

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