

In the Supreme Court of the United States

SANDRA YOUSEFZADEH, et al.,
Applicants,

v.

JOHNSON & JOHNSON CONSUMER INC., et al.,
Respondents.

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Second Circuit

**APPLICATION FOR A 23-DAY EXTENSION OF TIME
WITHIN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI**

**TO: The Honorable Sonia Sotomayor, Associate Justice of the United States
Supreme Court and Circuit Justice for the United States Court of Appeals for
the Second Circuit**

The applicants respectfully seek a 23-day extension of time within which to file a petition for a writ of certiorari to review the judgment of the U.S. Court of Appeals for the Second Circuit in this case, up to and including November 20, 2026. Absent an extension, the deadline for filing the petition will be October 28, 2026. This application is being filed on October 16, 2026—more than 10 days before the petition is due. *See* S. Ct. R. 13.5.¹

In support of this request, the applicant states as follows:

1. The Second Circuit entered judgment and issued its opinion on July 30, 2026, a copy of which is attached. App. 1–67. This Court has jurisdiction under 28 U.S.C. § 1254(1).
2. This case presents an important issue that has divided the lower courts: Should the direct-purchaser rule that this Court adopted in the antitrust context in *Illinois*

Brick Co. v. Illinois, 431 U.S. 720 (1977), be imported into the Racketeer Influenced and Corrupt Organizations Act?

3. The respondents in this case are drug manufacturers who make and sell over-the-counter cold and cough medicines that contain the active ingredient oral phenylephrine. The manufacturers marketed these medicines to consumers as effective for relieving nasal congestion. But study after study has debunked that claim, making “crystal clear” that oral phenylephrine is “no more effective than a placebo for decongestion.” App. 17 (citation

¹ The applicants in this case are Sandra Yousefzadeh; Kaycie Coppock; Cody Morgan; Erin Barton; Hannah De Preist; Anthony DeRosa; John Coyle; Kimberly Buscaglia; Kamonica McWhite; Michael Walker; Eduardo Flores; Anntwanette Jones; Daniel Calzado; Keith Mortuicchio; Pedro Urena; Robyn Cronin; Timothy Butler; Archanatep Boonparn; Chioma Ozuzu; Kenneth Levi Pack; Min Ji Jung; Steve Audelo; Natalie Juneau; Robert Fichera; Francis W. Catanese; Samuel Gallo; Kristin DePaola; Cathy Kleiman; Richard Scoffier; Annette Striegel; Martha A. Page; Emily Cohen; Janet Jones; Lateef Murdock; Gwen Lewi; Marcel Perez Pirio; Layne Barter; Jose Cortez Hernandez; Robert Lundin; Jaedon Daniels; Mychael Willon; Amy Weinberg; Dimitri Lamdon; Elie El Rai; Tatyana Dekhtyar; Olivia Rodesta; Lauren DeBeliso; Lorette Kenney; Daniel Heaghney; Amanda Thorns; Scott Collier; Andrew Isom; John Jeffrey Bader; Brian Lloyd Fireng; Carrie Diane Huff; Joseph Samuel Sorge; Joshua Edward Sorge; Christine Ann Waters; Christopher McPhee; Justin Vorise; Krista Wright; Jordan Nelson; Regina Peralta; Randall Sygal; Regina Brookshier; Erzen Krica; Allison Sammarco; Hollie Verdi; Tiffany Travis; Millard Adkins; Rosalyn Anderson; Eli Erlick; Donna Bailey; Rosalie Jackson; Reco Russell; Frank Anderson; Tina Haluszka; Heather Fong; Tatiana Benjamin; Christine Contreras; Natasha Freeman; Robin Glauser; Anthony Rogers; Jamieka Holmes; Mari Jones; Michele Kasparie; Kimberly James; Greg Enriquez; Rachel Parker; Darrell Wayne Grimsley, Jr.; Krystal Rampalli; Daryl Means; Jacob Reinkraut; Michael Lee; Toni Heuchan; Jonathan Brandman; Michelle Garza; Cece Davenport; Claudette Sanes; Daniel Flick; Janis Zimmerman; Rose Riccio; Andrea Wilson; Richard Chavez; Kathleen Emmons; Nathan Jackson; James Hsieh; Dominic Rio; Mohanad Abdelkarim; Steven Checchia; Tamula Chamberlain; Stacy Rankin; Harold Nyanjom; Frizell Johnson; Ruben Varela; Joy Taylor; Anthony Coleman; Natasha Hernandez; Jessica Thompson; Emily Hansen; Sommer Milous; Andrew Gutierrez; Rebecca Lynn Reyes; Sierra Vent; Hector Valdes; Joanne Silva; Shelby Noviskis; James Carrigan; Shawn L. Thomas; Charles Geoffrey Woods; John Jeffrey Ward; Ruta Taito; Dr. Karen Schwartz; Thomas Lewis; Dena Fichot; Pamela Joyner; Sharon Rourk; Izabel Pena-Venegas; Beverly Ward; Abby Jergins; Bill Jergins; Archi Hipkins; Christine Harrison; Viva Cohen; Joey Cohen; William Bryan; Jack Hinsberger; Nancy Welharticky; Robert Housman; Jay Valinsky; Rethea Morris; Robert Haid; Michael Folks; Sharon Manier; Stan Szrajer; Achorea Tisdale; Marisol Scharon; Haley Hadden; Bonnie Van Noy; John Boswell; Mohamad Tlaib; Donald Krist; Tina Tuominen; Paul Mateer; William Mitchell; and Bethany Childers.

The respondents in this case are Johnson & Johnson Consumer Inc.; RB Health (US) LLC; Target Corp.; Bayer Healthcare, LLC; Walmart Inc.; CVS Pharmacy, Inc.; Walgreen Co.; The Proctor & Gamble Co.; Haleon US Holdings LLC; Publix Super Markets, Inc.; Amazon.com, Inc.; Amazon.com Services LLC; The Kroger Co.; Harris Teeter, LLC; Harris Teeter Supermarkets, Inc.; Kenvue, Inc.; GlaxoSmithKline LLC; Rite Aid Corp.; Albertsons Cos., Inc.; and Costco Wholesale Corp.

modified). Still, the manufacturers continued to market these medications as effective nasal decongestants, reaping billions of dollars in profits off of medications that do not work.

4. The applicants are consumers who took the manufacturers at their word and bought oral-phenylephrine medications to treat nasal congestion. After learning that these decongestants do not actually decongest, they sued the manufacturers under RICO, alleging that the manufacturers had engaged in a coordinated effort to mislead the public about the effectiveness of their products.

5. The Second Circuit, however, held that the applicants' RICO claim must be dismissed because they—like most people who buy goods today—did not purchase the products directly from the manufacturers. The Second Circuit acknowledged that “the text of [the statute] does not, on its face, limit civil RICO standing to direct purchasers.” App. 54. But the court proceeded to graft a direct-purchaser requirement onto the statute anyway, importing a “policy”-based rule that this Court has adopted in “the antitrust context.” App. 50 (citing *Ill. Brick*, 431 U.S. 720). On that view, “simply by selling their products through intermediaries,” manufacturers in every industry can “insulate themselves from all . . . RICO liability.” App. 59 (citation modified).

6. The applicants respectfully request a 23-day extension of time to file a petition for a writ of certiorari seeking review of the Second Circuit's ruling in this case and submit that there is good cause for granting this request. Applicants' counsel of record, Jennifer D. Bennett, and her colleagues have been and will continue to be heavily engaged with other matters, including a supplemental brief filed in the California Court of Appeal in *Variety Media v. Superior Court*, No. B350578 on October 8, 2026; a response brief filed in

the California Court of Appeal in *Doe v. Discord*, No. A175211 on October 12, 2026; a response brief due in the Fourth Circuit in *WHB 823 v. Uber Technologies, Inc.*, No. 26-1640 on October 28, 2026; a reply brief due in the Federal Circuit in *DHS Probationary Employees v. Department of Homeland Security*, No. 26-1315 on November 3, 2026; and an oral argument in the Seventh Circuit in *Xu Lun v. Milwaukee Electric Tool Corp.*, No. 25-3347 on November 4, 2026.

7. Extending the deadline to file the petition in this case to November 20, 2026, will allow applicants' counsel adequate time to prepare the petition in this case in concert with their other obligations.

8. Respondents' counsel does not oppose this request.

CONCLUSION

For the foregoing reasons, the applicants respectfully request that the Court extend the time within which to file a petition for a writ of certiorari in this matter to and including November 20, 2026.

Dated: October 16, 2026

Respectfully submitted,

/s/ Jennifer D. Bennett
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