No. 26A539

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 31-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 further 31-day extension of time within which to file a petition for a writ of certiorari to review the Second Circuit's judgment in this case, up to and including December 21, 2026. Absent an extension, the deadline for filing the petition will be November 20, 2026. This application is being filed on November 10, 2026—10 days before the petition is due. *See* S. Ct. R. 13.5. Respondents' counsel have confirmed that they do not oppose the extension.[1]

[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 Mortuiccio; 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

In support of this request, the applicants state as follows:

1. The Second Circuit entered judgment and issued its opinion on July 30, 2026, a copy of which is attached to the applicants' first application for an extension of time. App. 1. 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

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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; Recoa 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.

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 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. On October 21, 2026, Justice Sotomayor extended the time within which to file a petition for writ of certiorari in this case by 23 days, up to and including November 20, 2026.

7. The applicants respectfully request a further 31-day extension of time within which to file a petition for a writ of certiorari 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 brief in opposition due in this Court in *Clinton v. Amazon*, No. 26-47 on November 16, 2026; a respondent's brief due in the California Court of Appeal in *Doe v. Roblox*, No. A176125 on November 16, 2026; an oral argument in the California Court of Appeal in *Doe v. Discord*, No. A175211 on November 24, 2026; a reply brief due in the Federal Circuit in *DHS Probationary Employees 1 Class v. Department of Homeland Security*, No. 26-1315 on December 3, 2026; and a response brief due in the Fourth Circuit in *WHB 823 v. Uber Technologies, Inc.*, No. 26-1640 on December 9, 2026.

8. Extending the deadline to file the petition in this case to December 21, 2026, will allow applicants' counsel adequate time to prepare the petition in this case in concert with their other obligations.

9. 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 December 21, 2026.

Dated: November 10, 2026

Respectfully submitted,

/s/ Jennifer D. Bennett
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